S. R. A.—Chem. Suppl. 29. Issued October 17, 1917.

United States Department of Agriculture.

BUREAU OF CHEMISTRY.

C. L. ALSBERG, Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 4901–4950.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., September 20, 1917.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

4901. Misbranding of macaroni. U. S. * * * v. 40 Boxes of Macaroni. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6977. I. S. No. 10788-l. S. No. C-371.)

On November 3, 1915, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 40 boxes, each containing 22 pounds, of macaroni, consigned by the Atlantic Macaroni Co., Long Island City, N. Y., and remaining unsold in the original unbroken packages at Covington, Ky., alleging that the article had been shipped and transported from the State of New York into the State of Kentucky, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Macaroni, Mosca Brand, Guaranteed by Manufacturer. Serial No. 3880." (Stamped on ends of boxes in an inconspicuous manner) "Manufactured by the Atlantic Macaroni Company, Long Island City." (Stenciled on sides of boxes) "Quality Extra Fine," "22 Lbs. Net." Further stenciled with the letter "G" in a diamond and marked with a design of an Italian scene showing peasants eating macaroni and an Italian sailboat.

Misbranding was alleged in the libel in substance for the reason that said article bore statements, designs, and devices regarding it which were false and misleading in that the boxes were so labeled, branded, and designed as to make it appear that the article was a foreign product, with the purpose and intent of

deceiving and misleading the purchaser and inducing in the purchaser the belief that said article was a foreign product and of a foreign manufacture, when, in fact and in truth, it was not a foreign product, but was manufactured within the United States of America, and the said design, labels, and brands upon said boxes or packages were so made as to deceive and mislead the purchaser.

On July 15, 1916, the said Atlantic Macaroni Co., claimant, having filed its answer admitting the allegations contained in the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article be released to said claimant, upon the payment of the costs of the proceedings and the execution of a bond in the sum of $50, in conformity with section 10 of the act.

R. A. Pearson, *Acting Secretary of Agriculture.*

4902. Adulteration of eggs. U. S. * * * v. 9 Cases of Eggs * * * U. S. * * * v. 5 Cases of Eggs. Default decrees of condemnation, forfeiture, and sale. (F. & D. No. 6989. S. Nos. E-461, E-462.)

On November 8, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels of information for the seizure and condemnation of 9 cases of eggs, consigned by the H. L. Handy Co., Hartford, Conn., and 5 cases of eggs, consigned by Kamius Bros., Hartford, Conn., and remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped and transported from the State of Connecticut into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels of information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On September 22, 1916, no claimant having appeared for the property, which had theretofore been ordered sold upon petition by the United States attorney, judgments of condemnation and forfeiture were entered.

R. A. Pearson, *Acting Secretary of Agriculture.*

4903. Adulteration of tomato pulp. U. S. v. 550 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6927. I. S. No. 11122-l. S. No. C-353.)

On October 20, 1915, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 550 cases, each containing 4 dozen No. 1 cans, of tomato pulp, consigned by the Austin Canning Co., Austin, Ind., remaining unsold in the original unbroken packages at San Antonio, Tex., alleging that the article had been shipped on or about March 22, 1915, and transported from the State of Indiana into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (On cans) "America Beauty Brand Tomato Pulp, Austin Canning Co., Austin, Ind."

Adulteration of the article was alleged in the libel for the reason that it was composed of a partially decomposed vegetable substance.

On May 26, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

4904. Adulteration of ketchup. U. S. * * * 1. 350 Cans and 150 Cases of Tomato Ketchup. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 7082, 7144, 7153. I. S. Nos. 2039–l, 3527–l, 3531–l. S. Nos. E–489, E–515, E–523.)

On November 30, 1915, December 29, 1915, and January 11, 1916, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying for the seizure and condemnation of 350 cans, 75 cases, and 75 cases of tomato ketchup, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the articles had been shipped on or about October 18, 1915, November 4, 1915, and November 17, 1915, by the Harbauer Co., Toledo, Ohio, and transported from the State of Ohio into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The 350-can shipment bore no marks or labels; the 75-case shipments were labeled in part: "Harbauer Brand Tomato Catsup—Made by the Harbauer Co., Toledo, O."

Adulteration of the article in the 350-case [can] shipment was alleged in the first libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance, to wit, decayed and moldy tomato. Adulteration of the article in one 75-case shipment was alleged in substance in the second libel for the reason that it consisted, in whole or in part, of a filthy, decomposed, and putrid vegetable substance. Adulteration of the article in the other 75-case shipment was alleged in the third libel for the reason that it consisted in part of a decomposed vegetable substance, to wit, decomposed tomatoes.

On September 14, 1916, the said Harbauer Co., claimant, having filed a stipulation admitting the truth of allegations contained in the libels, which had been consolidated into one proceeding, and consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the articles in each shipment should be redelivered to said claimant upon the payment of the costs of the proceeding and the execution of a bond in the sum of $900, conditioned in part that said article should be shipped by said claimant to itself at Toledo, Ohio, there to be inspected and sorted under the supervision of a representative of this department, and that the portion of the article which was found to be unfit for food should be destroyed or denatured, and that the balance thereof should be released to said claimant for food purposes.

R. A. Pearson, *Acting Secretary of Agriculture.*

4905. Adulteration of blackeye beans. U. S. v. 100 Bags of Blackeye Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7134. I. S. No. 2852–l. S. No. E–507.)

On December 30, 1915, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 bags of blackeye beans, remaining unsold in the original unbroken packages at Utica, N. Y., alleging that the article had been shipped on or about September 8, 1915, by Adolph Koshland, San Francisco, Cal., and transported from the State of California into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blackeye Beans."

The allegations in the libel were to the effect that the article was adulterated, in that it contained worms, and was wormy and worm-eaten.

On January 18, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

4906. Adulteration of canned fruits, vegetables, and fish products. U. S. v. 1 Carload of Canned Fruits, Vegetables, and Fish Products. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6934. S. No. E–426.)

On or about October 23, 1915, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 carload of canned fruits, vegetables, and fish products, remaining unsold in the original unbroken packages at Richmond, Va., alleging that the article had been shipped on or about October 11, 1915, by the California Fruit Canners Assoc., San Francisco, Cal., and transported from the State of California into the State of Maryland and thence into the State of Virginia, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that the same consisted, in whole or in part, of a filthy, decomposed, and putrid vegetable [animal] substance. (These goods were damaged in transit in a flood at Galveston, Tex., thereby becoming adulterated.)

On April 15, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

4907. Adulteration and misbranding of vinegar. U. S. * * * v. 50 Barrels of * * * Vinegar and 30 Barrels of * * * Vinegar. Default decrees of condemnation and forfeiture. Product ordered sold. (F. & D. No. 6947. I. S. Nos. 10015–l, 10016–l. S. No. C–357.)

On October 26, 1915, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 50 barrels, each containing about 47 gallons, of so-called apple cider vinegar, and 30 barrels, each containing 5 dozen bottles, of so-called pure apple cider vinegar, remaining unsold in the original unbroken packages at Parsons, Kans., alleging that the article had been shipped on or about July 14, 1915, by the Monarch Vinegar Works, Kansas City, Mo., and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that it consisted, in whole or in part, of distilled vinegar or dilute acetic acid, which had been mixed and packed with and substituted for the pure product in such manner as to reduce or injuriously affect its quality and strength.

Misbranding of the article in the 50 barrels was alleged for the reason that there was attached to each of the barrels a brand or label in words and figures as follows, to wit: "Monarch Vinegar Works, Monarch Brand Apple Cider Vinegar, Generator Run, 47 Gal., Kansas City, Mo.", which label was misleading and false and calculated to induce the purchaser to believe that the so-called apple cider vinegar was pure, when, in truth and in fact, the same was adulterated as herein above set forth. Misbranding of the product in the 30 barrels was alleged for the reason that to each of said barrels and each of the bottles contained therein, was attached a brand or label in words and figures as follows, to wit: "Pure Apple Cider Vinegar, bottled for C. H. Moriarity, wholesale grocer, Parsons, Kansas, contents one pint nine ounces", which said label was misleading and false and calculated to induce the purchaser to believe that said so-called pure apple cider vinegar was pure, when, in truth and in fact, the same was adulterated as herein above set forth.

On May 1, 1916, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be sold by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

4908. Adulteration of eggs. U. S. * * * v. Edward G. Mattox (Eureka Commission Co.). Plea of guilty. Fine, $10 and costs. (F. & D. No. 6957. I. S. No. 7177-h.)

On April 6, 1916, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edward G. Mattox, trading as Eureka Commission Co., St. Louis, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 29, 1914, from the State of Missouri into the State of Illinois, of a quantity of eggs, which were adulterated.

Examination of a sample of the product by the Bureau of Chemistry of this department showed that out of 210 eggs examined, 194 eggs, or 92.4 per cent, were found to be rots, 16 eggs, or 7.6 per cent, heavy spots; the product appears to be candled out stock of rots with black rots taken out; examination shows the product to be rotten and decomposed eggs.

Adulteration of the article was alleged in the information for the reason that it consisted, in whole or in part, of a filthy, decomposed, and putrid animal substance.

On May 3, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10 and costs.

R. A. Pearson, *Acting Secretary of Agriculture.*

4909. Adulteration of tomato ketchup. U. S. * * * v. 50 Cases of Tomato Ketchup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6961. I. S. No. 11118–l. S. No. C–366.)

On October 28, 1915, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases, each containing 2 dozen bottles, of tomato ketchup, consigned by the Blue Grass Canning Co., Owensboro, Ky., remaining unsold in the original unbroken packages at San Antonio, Tex., alleging that the article had been shipped on or about December 13, 1913, and transported from the State of Kentucky into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (on bottle) "Blue Grass Brand Tomato Catsup."

Adulteration of the article was alleged in the libel for the reason that it was composed of a partially decomposed vegetable substance.

On May 26, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

4910. Adulteration of frozen eggs. U. S. * * * v. John H. Dillon et al. (Dillon & Douglass). Pleas of nolo contendere. Fines, $30. (F. & D. No. 6965. I. S. No. 731-k.)

On or about March 28, 1916, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John H. Dillon and William H. Douglass, copartners, trading as Dillon and Douglass, Providence, R. I., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about February 3, 1915, from the State of Rhode Island into the State of Massachusetts, of a quantity of frozen eggs, which were adulterated.

Examination of a sample of the article by the Bureau of Chemistry, of this department, showed the following results after one day's incubation:

Organisms per cc, plain agar, at 25° C..... 190,000,000
Organisms per cc, plain agar, at 37° C..... 127,000,000
Gas-producing organisms per cc..... 100,000
Odor, musty and rotten. A large amount of mold found, showing that it is a spot egg product.

Adulteration of the article was alleged in the information for the reason that it consisted, in whole or in part, of a filthy and decomposed animal substance.

On June 15, 1916, the defendant Dillon entered a plea of nolo contendere to the information and on January 29, 1917, the defendant Douglass entered a similar plea, and the court imposed fines of $20 and $10, respectively.

R. A. Pearson, *Acting Secretary of Agriculture.*

4911. Adulteration of chestnuts. U. S. * * * v. 21 Bags * * * of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6966. I. S. No. 1622-l. S. No. E-444.)

On October 28, 1915, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 21 bags, each containing approximately 100 pounds, of chestnuts, consigned by William L. Utz & Co., Graves Mill, Va., and remaining unsold in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped and transported from the State of Virginia into the State of Pennsylvania, the shipment having been received on or about October 25, 1915, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted, in whole or in part, of a filthy, decomposed, or putrid vegetable substance, more than 40 per cent of the chestnuts being wormy, decayed, or moldy.

On June 24, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

4912. Adulteration of chestnuts. U. S. * * * v. 25 Bags of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 6967, 6968. I. S. Nos. 1623–l, 1624–l. S. Nos. E–445, E–446.)

On October 28, 1915, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 bags, each containing approximately 60 pounds of chestnuts, remaining unsold in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by Stevens Bros., Baltimore, Md., and transported from the State of Maryland into the State of Pennsylvania, the shipment having been received on or about October 23, 1915, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted, in whole or in part, of a filthy, decomposed, or putrid vegetable substance, more than 40 per cent of the chestnuts being wormy, decayed, or moldy.

On June 23, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

4913. Misbranding of "White Pine Expectorant" and "White Pine Balsam." U. S. * * * v. Allan-Pfeiffer Chemical Co., a corporation. Plea of guilty. Fine, $40 and costs. (F. & D. No. 6976. I. S. Nos. 6311-h, 6312-h.)

On February 25, 1916, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Allan-Pfeiffer Chemical Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about April 12, 1913, from the State of Missouri into the State of Illinois, of quantities of "White Pine Expectorant" and "White Pine Balsam," each of which was misbranded. The expectorant was labeled in part: (On bottle) "White Pine Expectorant."

Analysis of a sample of this article by the Bureau of Chemistry of this department showed that the product is essentially a sirupy solution containing a small amount of alkaloid (probably morphine), chloroform, alcohol, benzoic acid, and a large amount of plant extractives unidentified.

The balsam was labeled in part: (On bottle) "White Pine Balsam."

Analysis of a sample of this article by said Bureau of Chemistry showed that the product is essentially a sirupy solution containing a small amount of alkaloid (probably morphine), chloroform, alcohol, benzoic acid, and a large amount of plant extractives unidentified.

Misbranding of the articles was alleged in the information for the reason that the following statement, regarding them and the ingredients and substances contained therein, appearing on the labels aforesaid, to wit, "White Pine Expectorant" (or "White Pine Balsam," in the case of the balsam), was false and misleading in that it indicated to purchasers thereof that each of the articles contained as one of its ingredients extract or tar of white pine, when, in truth and in fact, neither article contained any extract or tar of white pine. Misbranding was alleged for the further reason that the following statement regarding the therapeutic or curative effects of the articles appearing on the labels of the cartons aforesaid, to wit, "White Pine Expectorant" (or "White Pine Balsam," in the case of the balsam) * * * for * * * consumption * * * and all inflamed conditions of the lungs," was false and fraudulent in that the same was applied to one or the other of the articles, knowingly and in reckless and wanton disregard of its truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that each of the articles was, in whole or in part, composed of or contained ingredients of medicinal agents effective, among other things, as a remedy for consumption and all inflamed conditions of the lungs, when, in truth and in fact, said articles were not, in whole or in part, composed of and did not contain such ingredients or medical agents.

On April 7, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $40 and costs.

R. A. Pearson, *Acting Secretary of Agriculture.*

4914. Adulteration of blackeye beans. U. S. v. 100 Bags of Blackeye Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6984. I. S. No. 1557–l. S. No. E–457.)

On November 5, 1915, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 bags of blackeye beans, remaining unsold in the original unbroken packages at Utica, N. Y., alleging that the article had been shipped on or about August 21, 1915, by Adolph Koshland, San Francisco, Cal., and transported from the State of California into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blackeye Beans."

The allegations in the libel were to the effect that the article was adulterated in that it contained worms, and was wormy and worm-eaten.

On December 7, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

4915. Adulteration of corn flour. U. S. * * * v. 60 Bags of Corn Flour. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6986. I. S. No. 20756–l. S. No. W–73.)

On November 8, 1915, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 60 bags of corn flour, remaining unsold in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce by the Charles Herendeen Milling Co., of Chicago, Ill., from the State of Illinois into the State of Utah, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that each of the said 60 bags of corn flour contained living larvæ, dead larvæ in a state of decomposition, larvæ excreta, and a larvæ webby material.

On December 13, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

4916. Adulteration of frozen eggs. U. S. * * * v. 92 Cases * * * of Frozen Eggs. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 6990. I. S. Nos. 3405–l, 3410–l. S. No. E–459.)

On November 8, 1915, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the said District, holding a District Court, a libel for the seizure and condemnation of 92 cases [cans], more or less, each containing approximately 25 pounds, of frozen eggs, remaining unsold in the original unbroken packages at Washington, D. C., in storage, alleging that the article had been stored during the months of June, July, and August, 1915, and charging adulteration in violation of the Food and Drugs Act

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal and vegetable substance, for which reason the goods were absolutely unfit for human consumption.

On April 11, 1916, Louis Spickloser, Washington, D. C., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that said claimant should pay the costs of the proceedings.

R. A. Pearson, *Acting Secretary of Agriculture.*

4917. Adulteration of chestnuts. U. S. * * * v. 10 Bags * * * of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 7011, 7012. I. S. Nos. 1625–l, 1626–l. S. No. E–448.)

On October 28, 1915, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 bags, each containing approximately 60 pounds, of chestnuts remaining unsold in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by Stevens Bros., Baltimore, Md., and transported from the state of Maryland into the State of Pennsylvania, the shipment having been received on or about October 27, 1915, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted, in whole or in part, of filthy, decomposed, or putrid vegetable substance, more than 40 per cent of the chestnuts being wormy, decayed, or moldy.

On June 23, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

4918. Adulteration and misbranding of acid acetylo salicylic. U. S. * * * v. 50 Packages of Acid Acetylo Salicylic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7016. I. S. No. 11004–l. S. No. C–379.)

On November 13, 1915, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 one-pound packages of acid acetylo salicylic, remaining unsold in the original unbroken packages at Meridian, Miss., alleging that the article had been shipped on or about October 22, 1915, by the Bagby-Howe Co., Louisville, Ky., and transported from the State of Kentucky into the State of Mississippi, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "One pound Acid Acetylo Salicylic Chemische Fabrik Vorm Bohenzoller Breslau."

Adulteration of the article was alleged in the libel for the reason that the strength and purity fell below the professed standard and quality under which it had been and was intended to be sold.

Misbranding was alleged for the reason that the packages in which the article was contained bore a statement that it was acid acetylo salicylic, which said statement was false and misleading in that the substance was not, in truth and in fact, acid acetylo salicylic, but was composed chiefly of milk sugar, acetanilid, salicyle acid, potassium bitartrate, and contained practically no acid acetylo salicyle. Misbranding was alleged for the further reason that the article was in imitation of and offered for sale under the name of another and different drug, to wit, acid acetylo salicylic. Misbranding was alleged for the further reason that the article contained a certain drug, to wit, acetanilid, and the package in which it was packed did not bear thereon a statement showing on the label thereon the quantity or proportion of acetanilid therein contained.

On March 15, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

4919. Adulteration of evaporated apples. U. S. * * * v. 25 Cases * * * of Evaporated Apples. Product ordered released on bond. (F. & D. No. 7023. I. S. No. 11005-l. S. No. C-381.)

On November 13, 1915, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, each containing 60 cartons, of evaporated apples, remaining unsold in the original unbroken packages at Meridian, Miss., alleging that the article had been shipped on or about October 8, 1915, by Hartmann & Co., Rochester, N. Y., and transported from the State of New York into the State of Mississippi, and charging adulteration in violation of the Food and Drugs Act. The cartons were labeled in part: "Queen Quality Brand N. Y. State Evaporated Apples."

The allegations in the libel were to the effect that the article was adulterated in that water had been added thereto, and had been mixed and packed therewith, so as to reduce and lower and injuriously affect the quality and strength of the article, and for the further reason that a substance, to wit, water, had been substituted in part for evaporated apples, and had been added thereto and mixed therewith.

On December 23, 1915, the said Hartmann & Co., claimant, having filed its claim for the seized goods, praying for the release of the same, and it appearing to the court that the article might be renovated and relabeled and used as food without violation of the law, it was ordered that the property should be released and delivered to said claimant upon payment of the costs of the proceeding and the execution of a good and sufficient bond, conditioned that the article should not be used, sold, or disposed of contrary to the laws of the United States or of the State of Mississippi.

R. A. Pearson, *Acting Secretary of Agriculture.*

4920. Adulteration of evaporated apples. U. S. * * * v. 75 Cases * * * of Evaporated Apples. Product ordered released on bond. (F. & D. No. 7024. I. S. No. 11010–l. S. No. C–382.)

On November 13, 1915, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 cases, each containing 60 cartons, of evaporated apples, remaining unsold in the original unbroken packages at Meridian, Miss., alleging that the article had been shipped on or about October 8, 1915, by Hartmann & Co., Rochester, N. Y., and transported from the State of New York into the State of Mississippi, and charging adulteration in violation of the Food and Drugs Act. The cartons were labeled in part: "Red Apple Brand, New York State Evaporated Apples."

The allegations in the libel were to the effect that the article was adulterated in that water had been added thereto, and had been mixed and packed therewith so as to reduce and lower and injuriously affect the quality and strength of the article, and for the further reason that a substance, to wit, water, had been substituted in part for evaporated apples, and had been added thereto and mixed therewith.

On December 23, 1915, the said Hartmann & Co., claimant, having filed its claim for the seized goods, praying for the release of the same, and it appearing to the court that the article might be renovated and relabeled and used as food without violation of the law, it was ordered that the property should be released and delivered to said claimant upon payment of the costs of the proceeding and the execution of a good and sufficient bond, conditioned that the article should not be used, sold, or disposed of contrary to the laws of the United States or of the State of Mississippi.

R. A. Pearson, *Acting Secretary of Agriculture.*

4921. Adulteration of oysters. U. S. * * * v. 622 Bushels of Oysters in the Shell. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 7035. I. S. No. 3518–l. S. No. E–475.)

On November 6, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 622 bushels of oysters in the shell, consigned by George M. Still, Inc., New York, N. Y., and remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about November 6, 1915, and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in particular [part] of a partially filthy, decomposed, and putrid animal product, to wit, polluted oysters.

On April 21, 1916, the said George M. Still, Inc., claimant, having consented to the entry of the decree, judgment of condemnation and forfeiture was entered, and the property having been delivered to said claimant under a stipulation for value in the sum of $777, containing certain conditions as to the disposal thereof, it was ordered by the court that the United States recover of said claimant the value of the merchandise, as stipulated, amounting to $777, together with the costs of the proceedings.

R. A. Pearson, *Acting Secretary of Agriculture.*

4922. Adulteration of oysters. U. S. * * * v. 408 Bushels of Oysters in the Shell. Tried to the court and a jury. Verdict in favor of the Government. Decree of condemnation and forfeiture. Claimant ordered to pay stipulated value of the merchandise and the costs of the proceedings. (F. & D. No. 7036. I. S. No. 1940–1. S. No. E–474.)

On November 6, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 408 bushels of oysters in the shell, consigned by Azel F. Merrell, and remaining unsold and unloaded from the ship at New York, N. Y., alleging that the article had been shipped on or about November 6, 1915, and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in particular [part] of a partially filthy, decomposed, and putrid animal product, to wit, polluted oysters.

On November 12, 1915, an order was signed by the court, upon stipulation of the parties, releasing the oysters under seizure to the said Azel F. Merrell, claimant, upon the filing of a bond in the sum of $510, the order providing that the oysters should be placed and permitted to remain until after the trial of the action, not to exceed two months, in an oyster bed leased by claimant at Princess Bay, Richmond County, N. Y., and that the amount of the bond should be paid to the United States in the event a final decree of condemnation should be entered.

On March 6, 1916, the case came on for trial before the court and a jury, and, after the submission of evidence and arguments by counsel, the following charge was delivered on March 16, 1916, to the jury by the court (Hand, *D. J.*):

Gentlemen of the Jury: I will first, before beginning a more general discussion of the case, charge certain propositions requested by the counsel for the defendants. In order to consider the conclusions of the Government experts, the jury must first find that the Government has proved all the facts submitted to its experts in its behalf, because otherwise, the conclusion of the Government experts would be based upon an incorrect premise. I charge that so far as it relates to the opinion of the Government experts, expressed in answer to the hypothetical question.

If the jury shall find that any facts alleged in the Government's hypothetical question have not been established by a preponderance of evidence, then the jury must not consider either the conclusions nor the evidence of the Government experts in answer to the hypothetical question, in arriving at its verdict. If the jury shall find the testimony of Professor Gorham and other Government experts is based upon any fact that the Government does not prove by a preponderance of evidence, then the jury shall in arriving at its verdict disregard the testimony of these experts as to such matters. You are not bound to accept the scoring system, but you must pass on the question of whether or not filth was or was not present in a substantial amount. If you find it was not, you must find for the claimant. You must give the same weight to the testimony of the experts testifying for the defendants as to that of the experts appearing for the Government, if you find that they have equal qualifications. The United States Department of Agriculture has no right or authority to condemn oyster beds or prohibit their use for growing oysters for shipment in interstate commerce or otherwise.

If you find that sewage in fact did not reach these particular oyster beds, you will disregard all testimony as to the amount of sewage going into Jamaica Bay. If you find that these oysters in fact did not contain filth at the time they were seized, you will then disregard all testimony in reference to Jamaica Bay or any other place in which the oysters may have been. There is no evidence in this case that these oysters were unhealthy. For that matter, the question of health is not involved under this statute. The testimony of Dr. Parsons as to the number of coli he found in the oysters, is a statement of fact. The statements of Miss Noble of the Board of Health of the City of New York and the representative of the Lederle Laboratory as to the number of coli that they found in the oysters, are also statements of fact, but the inference

that experts draw from these statements of fact are opinions, which you can accept or reject. There is no legal standard of 50 for oysters, and the United States Department of Agriculture has no right or authority to accept such a standard. If you find that the testimony of Miss Noble of the Department of Health of New York City, and of the representative of the Lederle Laboratories as to the coli test is untrue, you must then consider whether or not there was filth present in a substantial amount, and if you find there was not, you must find for the claimant.

You must remember that Miss Noble of the Department of Health of the City of New York was an uninterested witness. Therefore, give due weight to her testimony, if you believe it to be true.

In charging these facts which have been requested by defendant's counsel in regard to the Department of Agriculture, I don't mean to say that they are not right in taking certain stands in the matter which they have, as to a fifty count, or anything else, which they deem proper and in conformity with the law. All I mean to charge you is, and all I imagine that defendant's counsel asks me to charge is, that any pronouncement in that regard by them is not binding on this Court here; that the question you will have to determine is whether in fact there was a substantial amount of filth in these oysters.

I decline to charge the other requests, and I have marked them, Mr. Carlin; they will appear on those pages.

Mr. Carlin. Thank you.

The Court. Now, gentlemen of the jury, this question before you here is a question arising under the Food & Drug law, as it is commonly called. It is not a question of health, as submitted to us here. It is purely a question of whether these oysters, these 408 bushels of oysters, which were libelled by the Government, were filthy within the meaning of the Pure Food Act.

This is a case, as the Government views it, that is of importance to the Government and importance to the public. You would realize that from the number of experts that have [been] called, and the amount of attention they have given to it. It is also a case which is of great importance to the oyster growers who maintain that industry at Jamaica Bay. These considerations, however, can have no place here in your deliberations, except in a single respect in which they must affect any man who has a part in this proceeding, and that is that it undoubtedly fills you, as it does me, with an added sense of responsibility in dealing with the question.

But the only question for you to consider is the somewhat narrow, legal question, as to whether the 408 bushels of oysters were filthy or not at the time they were seized by the Government. You gentlemen are the sole judges of the facts in this case. You are to take the law as laid down by me. If I indicate, or have appeared to indicate at any time during the trial that I had any opinions in regard to the facts, you are entirely at liberty to disregard it, because you are the sole and absolute judges of the facts in this case.

In the first place, what is filth? What does it mean? I think that both counsel in this case would take the dictionary definition which I think Mr. Barnes gave in his summing up, nasty, foul, or dirty. It has no technical significance. It has a practical significance.

I also charge you, that for these oysters to be regarded and held by you as filthy, the filth or degree of filth, must be substantial. In saying that I do not necessarily mean to indicate that filth which is microscopic so far as observation goes, that is so small in quantity that you cannot see it with the naked eye, may not be substantial in amount. Under all the circumstances, if you should find that a substantial portion of human excrement was in these oysters, you may find that they were filthy to a substantial extent, even though the filth was present to a degree that can be only observed under a microscope. It is for you to say, gentlemen, under all the circumstances, taking into account the character of the product and the character of the filth, if you find any, whether or not these oysters were filthy to a substantial degree.

It is for the Government to prove by the preponderance of evidence that these oysters were filthy to a substantial degree, and if you find that they have failed to do that, if after considering all the evidence you are in doubt, then it is your duty to find for the defendant.

Some of the experts, gentlemen, say the tests are unreliable. Some say they could not give an opinion unless they knew whether the beds were in a place likely to be polluted. Others say the presence of B. coli alone in large scores indicates the presence of sewage and other animal excrement. Some say Jamaica Bay was polluted. Others that it was not. The testimony of Mr. Parsons gives high scores, that of Miss Noble, examining for the City of New

York, low scores; that of the Lederle Laboratories, low scores; that of Schwartz, low scores. Are the tests correct? Were the oysters submitted genuine? In other words, were they fair specimens and fair tests in these different scores? You must analyze all the evidence and discover the truth. It is for you gentlemen to do the hard work of deciding when doctors disagree. You may consider the amount of sewage poured into Jamaica Bay, the testimony of the experts who say it reaches the beds, the testimony of those who say it never could have reached the beds, or if so, only when dead and mineralized. All these facts are for your consideration. You have heard a vast amount of testimony, a vast amount of very novel and very interesting testimony. You heard the argument and conflict of the experts, and you have heard all the facts, and it all boils down to the very simple proposition of law, for you to determine upon these facts whether these oysters were substantially filthy or not.

There is one other thing which I have not mentioned: Certain oysters were examined, other oysters were not examined. The oysters examined, were, of course, very few as compared with the large bulk of 408 bushels of oysters. If you condemn the other oysters, which have not been tested here at all, that is, individually, specifically, you will have to find, of course, in the first place, that there was substantial filth in the oysters that were examined; in the second place that those were fair specimens, so that the other portion of the 408 bushels were similar, and would be properly condemned with those that were actually found to contain excrement. So the question is first whether any of these oysters were filthy to a substantial degree. If you find the oysters actually examined were filthy, to a substantial degree, and that is the result of your finding, and you find there is a preponderance of evidence to that effect, then those would be condemned. If you find they were fair samples of the rest, then you would condemn the rest.

I hope, and I believe I am perfectly clear. It is a narrow question to be determined, and involves the consideration of a large amount of conflicting evidence, and that, gentleman, if [is] your province.

Mr. Barnes. Will your Honor allow me an exception? I think very likely your Honor did not intend to charge—I except to your Honor's charge that the jury must give the same weight to the testimony of experts for the defense as to that of the experts testifying for the Government, if you find they have equal qualifications.

The Court. I mean by qualifications, Mr. Barnes, qualifications in all senses, as to ability and reliability, truthfulness and experience.

Mr. Barnes. That is all I want your Honor to charge, that the question of credibility of witnesses is exclusively for the jury.

The Court. It is exclusively for the jury.

Mr. Barnes. I will read another request: There is no evidence in the case that Mr. Holborow, a city official, did not deliver the samples just as he took them, and in the absence of evidence to that effect you must accept his testimony, unless you say he is unworthy of belief.

The Court. I so charge.

Mr. Barnes. I except.

Mr. Carlin. I respectfully ask your Honor to charge that if the jury finds that samples from this shipload of oysters scored under fifty, they must find for the claimant upon all the evidence.

The Court. I decline so to charge.

Mr. Carlin. Exception.

The Court. The question as to what is a substantial degree of filth here, is one for the jury.

Mr. Carlin. I except.

The Court. You may retire.

The jury thereupon retired, and, after due deliberation, returned into court with a verdict favorable to the United States.

Thereafter, on March 22, 1916, a decree of condemnation and forfeiture was entered and the merchandise condemned, having theretofore by order of the court been delivered to said claimant under the stipulation for value in the sum of $510 referred to above, and the costs having been taxed at the sum of $75.15, it was ordered by the court that the United States recover of the claimant the value of the merchandise, as stipulated, together with the costs of the proceedings, making in all the sum of $585.15.

R. A. Pearson, *Acting Secretary of Agriculture.*

4923. Adulteration of rice. U. S. * * * v. 418 Sacks of Rice. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7040. I. S. No. 12663-l. S. No. C-389.)

On November 17, 1915, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 418 sacks of rice, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Goble Jiminez, San Juan, P. R., on November 7, 1915, and transported from the island of Porto Rico into the State of Louisiana, and charging adulteration, in violation of the Food and Drugs Act. The article was labeled: "Contaminated rice N. O. Held N. Y. San Juan."

Adulteration of the article was alleged in the libel for the reason that it consisted of a filthy, decomposed, and putrid vegetable substance, and that the same was unfit for food.

On February 23, 1916, A. Held, New York, N. Y., claimant, having filed its [his] answer, admitting the allegations in the libel and consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to the said claimant upon the payment of all costs of the proceedings and the execution of bond in the sum of $1,000, in conformity with section 10 of the act. The decree recited that the product should be delivered to the said claimant for the sole purpose of putting the rice through a process of cleaning in the presence of the food inspector of the Department of Agriculture, and that representative samples of the reprocessed rice should be furnished to said inspector to be passed upon by the Department of Agriculture to ascertain and determine whether or not the article, or any part thereof, would then be suitable for human food, and with the further condition that if upon the cleaning of the rice the same be found by the department to be unfit for human or animal food, that the same should be delivered to the marshal of the Eastern District of Louisiana to be destroyed by him.

R. A. Pearson, *Acting Secretary of Agriculture.*

4924. Adulteration of lentils. U. S. * * * v. 85 Bags of Lentils. Consent decree ordering destruction of portion of product and release of balance under bond. (F. & D. No. 7041. I. S. Nos. 11781–l, 11782–l, 10487–l, 10488–l, 11419–l. S. No. C–390.)

On November 17, 1915, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 85 bags, each containing approximately 100 pounds, of lentils, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about October 14, 1915, by the Ignatius Gross Co., New York, N. Y., and transported from the State of New York into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act.

The allegations in the libel were to the effect that the product was adulterated for the reason that it consisted in part of a filthy, decomposed, [and] putrid animal and vegetable substance.

On May 4, 1916, the said Ignatius Gross Co. having consented to the entry of a decree, it was ordered by the court that the product should be delivered to said claimant company which should have leave, under the superintendence, control, or direction of the Department of Agriculture to recondition the article and to remove therefrom such portion as might be unfit for human consumption; that such part of the lentils as might be separated from the mass and found by the officers of the Department of Agriculture to be fit for human consumption the said claimant should have leave to sell to be used as food; and that so much of the article as should prove unfit for human consumption should, under the direction of the officers of the Department of Agriculture, be duly destroyed. It was further provided that the officers of the Department of Agriculture should have the sole determination respecting the portion of the article, if any, which might be deemed fit for human consumption, and further that the claimant company should pay the costs of the proceedings and give bond in the sum of $500, in conformity with section 10 of the act, conditioned for the faithful performance of the terms of the decree.

R. A. Pearson, *Acting Secretary of Agriculture.*

4925. Adulteration of oysters. U. S. * * * v. 100 Cans of Oysters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7046. S. No. E–476.)

On November 5, 1915, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cans of oysters, remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been delivered by Charles E. Hamilton, New Haven, Conn., on or about November 6, 1915, for shipment from the State of Connecticut into another State or Territory, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted, in whole or in part, of a filthy, decomposed, or putrid animal substance at the time of its delivery for shipment as aforesaid.

On February 9, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

4926. Misbranding of "California Tuna Tonic Tablets." U. S. * * * v. California Good Health Co., a corporation. Plea of guilty. Fine, $25. (F. & D. No. 7054. I. S. No. 9256–e.)

On March 22, 1916, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the California Good Health Co., a corporation, Louisville, Ky., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about May 8, 1913, from the State of Kentucky into the State of Washington, of a quantity of an article, labeled in part, (On wrapper) "California (Trade Mark.) Tuna Tonic Tablets," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department, showed that the preparation is a coated pill containing essentially ferrous carbonate with a small quantity of nux vomica alkaloids.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements included in the circular or pamphlet accompanying the article falsely and fraudulently represented it as a remedy for nervous prostration, swelling of the feet and limbs, spinal affections, rheumatism, sciatica, partial paralysis, insanity, St. Vitus dance, scrofula, catarrh, consumption, leucorrhoea, tardy or irregular periods, and la grippe, and as a remedy for the relief of all irregularities and suppressions, for all diseases of the nervous system, and effective for giving a healthy action to the heart, when, in truth and in fact, it was not.

On June 22, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25.

R. A. Pearson, *Acting Secretary of Agriculture.*

4927. Adulteration of evaporated apples. U. S. * * * v. 50 Cases * * * of Evaporated Apples. Product ordered released on bond. (F. & D. No. 7060. I. S. No. 10913-l. S. No. C-393.)

On November 24, 1915, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases, each containing 48 cartons, of evaporated apples, remaining unsold in the original unbroken packages at Gulfport, Miss., alleging that the article had been shipped on or about October 13, 1915, by Hartmann & Co., Rochester, N. Y., and transported from the State of New York into the State of Mississippi, and charging adulteration in violation of the Food and Drugs Act. The cartons were labeled in part: "Our best brand fancy evaporated apples packed by Hartmann and Company, Rochester, N. Y."

The allegations in the libel were to the effect that the article was adulterated in that water had been added thereto, and had been mixed and packed therewith so as to reduce and lower and injuriously affect the quality and strength of the article, and for the further reason that a substance, to wit, water, had been substituted in part for evaporated apples and had been added thereto and mixed therewith.

On January 1, 1916, the said Hartmann & Co., claimant, having filed its claim for the seized goods, praying for the release of the same, and it appearing to the court that the article might be renovated and relabeled and used as food without violation of the law, it was ordered that the property should be released and delivered to said claimant upon payment of the costs of the proceeding and the execution of a good and sufficient bond, conditioned that the article should not be used, sold, or disposed of contrary to the laws of the United States or of the State of Mississippi.

R. A. Pearson, *Acting Secretary of Agriculture.*

4928. Adulteration of chestnuts. U. S. * * * v. 10 Bags * * * of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7064. I. S. No. 1627–l. S. No. E–464.)

On November 3, 1915, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, a libel for the seizure and condemnation of 10 bags, more or less, each containing approximately 60 pounds, of chestnuts, remaining unsold in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by Henderson-Linthicum & Co., Baltimore, Md., and transported from the state of Maryland into the state of Pennsylvania, the shipment having been received on or about November 1, 1915, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted, in whole or in part, of filthy, decomposed, or putrid vegetable substance, more than 40 per cent of the chestnuts being wormy or moldy.

On June 24, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

4929. Misbranding of "Alorine Antiseptic Suppository." U. S. * * * v. Henry E. Currey, trading as Live and Let Live Drug Co. Plea of guilty. Fine, $50. (F. & D. No. 7072. I. S. No. 8166-h.)

On April 5, 1916, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry E. Currey, trading as Live and Let Live Drug Co., Baker, Oreg., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about April 30, 1914, from the State of Oregon into the State of Washington, of a quantity of an article called "Alorine Antiseptic Suppository," which was misbranded. The circular or pamphlet accompanying the article contained, among other things, the following: "Alorine Antiseptic Suppository. * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to be a cacao-butter suppository carrying quinine sulphate, boric acid, and tannic acid. Zinc, silver, and aluminum salts were absent. Phenol and berberine were not detected.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, included in the circular or pamphlet aforesaid, to wit, "Alorine Antiseptic Suppository. * * * A prompt and effectual Relief for Leucorrhoea, * * * Tumors, Polypus, Profuse and Difficult Menstruation, Laceration of Cervix, Gonorrhoea, Falling of the Womb, and all Female complaints in General. A remedy of great medicinal value; and has been used in hundreds of the most severe cases, producing instant relief, followed by a speedy cure. * * * Important. The suppositories are a positive preventative and protection from Venereal Diseases * * *," were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents, effective, among other things, for the relief and cure of leucorrhoea, tumors, polypus, profuse and difficult menstruation, laceration of cervix, gonorrhoea, falling of the womb, and all female complaints in general, and effective as a positive preventive and protection from venereal diseases, when, in truth and in fact, it was not in whole or in part composed of, and did not contain such ingredients or medicinal agents.

On April 21, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50.

R. A. Pearson, *Acting Secretary of Agriculture.*

4930. Adulteration and misbranding of vinegar. U. S. * * * v. Wallace Vinegar Co., a corporation. Plea of guilty. Fine, $50. (F. & D. No. 7083. I. S. Nos. 12083-k, 12586-k, 12587-k, 12578-k.)

On or about March 27, 1916, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Wallace Vinegar Co., a corporation, Paducah, Ky., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 2, 1914, September 16, 1914, and January 21, 1915 (two shipments), from the State of Kentucky, into the State of Tennessee, of quantities of vinegar, which was adulterated and misbranded. These vinegars were variously labeled: "Wallace Vinegar Co. Elko Brand Apple Vinegar Reduced by Water to 4% Strength 47 Gals (or 49 Gals.) Distributors Paducah, Ky." "Brocton Fruit Product Co. Baldwin Brand Apple Vinegar Reduced by Water to 4% Strength. 48 Gals. Distributors Brocton, New York." "48 Wagner Grocery Co. Brocton Brand Pure Apple Vinegar Diluted to 4% Acid Strength. Distributors. Memphis, Tenn."

Analysis of samples of these vinegars by the Bureau of Chemistry of this department, showed the following results:

Elko Brand (Shipment September 16, 1914):	
Alcohol (per cent by volume)	0.40
Solids (grams per 100 cc)	1.01
Nonsugar solids (grams per 100 cc)	0.66
Reducing sugar, after evap. as invert (grams per 100 cc)	0.35
Glycerin (grams per 100 cc)	0.11
Ash (grams per 100 cc)	0.15
Total acid as acetic (grams per 100 cc)	4.04
Elko Brand (Shipment November 2, 1914):	
Alcohol (per cent by volume)	2.05
Solids (grams per 100 cc)	1.50
Nonsugar solids (grams per 100 cc)	1.13
Reducing sugar after evap. as invert (grams per 100 cc)	0.37
Glycerin (grams per 100 cc)	0.16
Ash (grams per 100 cc)	0.26
Total acid as acetic (grams per 100 cc)	4.17
Baldwin Brand (Shipment January 21, 1915):	
Alcohol (per cent by volume)	0.38
Solids (grams per 100 cc)	1.52
Nonsugar solids (grams per 100 cc)	1.09
Reducing sugar after evap. as invert (grams per 100 cc)	0.43
Glycerin (grams per 100 cc)	0.11
Ash (grams per 100 cc)	0.21
Total acid as acetic (grams per 100 cc)	4.41
Brocton Brand (Shipment January 21, 1915):	
Alcohol (per cent by volume)	0.51
Solids (grams per 100 cc)	1.54
Nonsugar solids (grams per 100 cc)	1.07
Reducing sugar after evap. as invert (grams per 100 cc)	0.47
Glycerin (grams per 100 cc)	0.10
Ash (grams per 100 cc)	0.22
Total acid as acetic (grams per 100 cc)	4.38

These analyses show that either dilute acetic acid or distilled vinegar had been added in material proportions in each case.

Adulteration of the vinegar was alleged in the information for the reason that in each case dilute acetic acid or distilled vinegar had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted, in whole or in part, for apple vinegar, which the article purported to be.

Misbranding was alleged for the reason that the following statements regarding the article in each case and the ingredients and substances contained therein, appearing on the labels aforesaid, to wit, "Apple vinegar reduced by water to 4 per cent strength" and "apple vinegar diluted to 4 per cent acid strength" were false and misleading in that they indicated to purchasers thereof that the article consisted wholly of apple vinegar reduced to 4 per cent acid strength by the addition of water, and for the further reason that it was labeled "Apple vinegar reduced by water to 4 per cent strength" and "apple vinegar diluted to 4 per cent acid strength", so as to deceive and mislead purchasers into the belief that it consisted wholly of apple vinegar, reduced to 4 per cent acid strength by the addition of water, when, in truth and in fact, it did not consist wholly of apple vinegar reduced to 4 per cent acid strength by the addition of water, but did consist of, to wit, a mixture of apple vinegar and dilute acetic acid or distilled vinegar reduced to about 4 per cent acid strength. Misbranding was alleged for the further reason that the article was a mixture of apple vinegar and dilute acetic acid or distilled vinegar, and was an imitation of and was offered for sale under the distinctive name of another article, to wit, apple vinegar.

On April 17, 1916, the defendant company entered a plea of guilty, and the court imposed a fine of $50.

R. A. Pearson, *Acting Secretary of Agriculture.*

4931. Adulteration of oysters. U. S. * * * v. 4 Tubs of Oysters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7086. I. S. No. 2619–l. S. No. E–483.)

On November 9, 1915, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 tubs of oysters, remaining unsold in the original unbroken packages at Watertown, N. Y., alleging that the article had been shipped, on or about November 6, 1915, by Charles E. Hamilton, New Haven, Conn., and transported from the State of Connecticut into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

The allegations in the libel were to the effect that the oysters were adulterated, in that they were taken from polluted waters, and were filthy and unfit for human food.

On December 7, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

4932. Adulteration of evaporated apples. U. S. * * * v. 15 Cases of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7093. I. S. No. 11025–l. S. No. C–401.)

On December 3, 1915, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 cases, each containing 48 cartons, of evaporated apples, remaining unsold in the original unbroken packages at Shreveport, La., alleging that the article had been shipped on or about October 14, 1915, by Hartmann & Co., Rochester, N. Y., and transported from the State of New York into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The retail cartons were labeled in part: "York State Brand Evaporated Apples."

Adulteration of the article was alleged in the libel for the reason that it contained a substance, to wit, moisture, which had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and which had been substituted in part for the said article, in that said article contained 32.2 per cent of moisture, whereas good commercial evaporated apples, as the term is understood by the trade and the public, should not contain more than 27 per cent of moisture. Adulteration was alleged for the further reason that the article consisted, in whole or in part, of a filthy, decomposed, and putrid vegetable substance in that the apples were moldy and fermented on account of the excessive moisture therein contained.

On May 27, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

4933. Adulteration and misbranding of acid acetylo salicylic tablets. U. S. * * * v. 20 Cartons of * * * Tablets of Acid Acetylo Salicylic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7097. I. S. No. 11639–l. S. No. C–402.)

On December 4, 1915, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 cartons, each containing 500 five-grain tablets, of so-called acid acetylo salicylic, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped, on or about September 25, 1915, by Bernhard Zar, Memphis, Tenn., and transported from the State of Tennessee into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled: "500 Five grain tablets acid acetylo salicylic."

Adulteration of the article was alleged in the libel for the reason that the strength of the said so-called tablets fell below the professed standard and quality under which they were sold, and in that they did not contain 5 grains of acid acetylo salicylic.

Misbranding was alleged for the reason that the tablets were in imitation of and were offered for sale under the name of another article, that is to say, said tablets were in imitation of and were offered for sale under the name of 5-grain tablets of acid acetylo salicylic, whereas, in truth and in fact, they were not 5-grain tablets of acid acetylo salicylic. Misbranding was alleged for the further reason that the tablets were contained in packages with labels thereon, which labels bore statements regarding the tablets and the ingredients and substances contained therein which were false and misleading, that is to say, the said labels bore statements that the tablets were 5-grain tablets of acid acetylo salicylic, whereas, in truth and in fact, the packages did not contain 5-grain tablets of acid acetylo salicylic.

On May 4, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

4934. Adulteration and misbranding of evaporated apples. U. S. * * * v. 15 Cases of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7111. I. S. No. 11029–l. S. No. C–410.)

On December 11, 1915, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 cases, each containing 48 cartons, of evaporated apples, remaining unsold in the original unbroken packages at Shreveport, La., alleging that the article had been shipped on or about October 14, 1915, by Hartmann & Co., Rochester, N. Y., and transported from the State of New York into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The retail packages were labeled: "Our Best Brand Fancy Evaporated Apples Weight of Package 14 Oz net when packed."

Adulteration of the article was alleged in the libel for the reason that it contained a substance, to wit, water, which had been mixed and packed therewith so as to reduce, lower, and injuriously affect the quality and strength of the article and which had been substituted in part for the said article, in that said article contained 31.92 per cent of moisture, whereas good commercial evaporated apples, as the term is understood by the trade and the public, should not contain more than 27 per cent of moisture. Adulteration was alleged for the further reason that the article consisted in part of a decomposed vegetable substance and was sour and moldy on account of the excessive water therein contained.

Misbranding was alleged for the reason that the article was in package form, and the real and exact quantity of the contents thereof was not plainly and conspicuously marked on the outside of the packages in terms of weight, there being an average shortage of 7.28 per cent of evaporated apples in the packages which, according to the labels thereon, were marked as containing 14 ounces net, when packed, and were, therefore, misbranded in that they failed to bear a correct statement of the quantity of the contents therein, the contents of the packages being less than the quantity shown by said label.

On May 27, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

4935. Adulteration and misbranding of evaporated apples. U. S. * * * v. 50 Cases of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7114. I. S. No. 11032–l. S. No. C–411.)

On December 13, 1915, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases, each containing 48 packages, of evaported apples, remaining unsold in the original unbroken packages at Shreveport, La., alleging that the article had been shipped, on or about October 14, 1915, by Hartmann & Co., Rochester, N. Y., and transported from the State of New York into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The retail packages were labeled: "Corona Brand Fancy Evaporated Apples, weight of Package Fourteen Oz Net When Packed."

Adulteration of the article was alleged in the libel for the reason that it contained a substance, to wit, water, which had been mixed and packed therewith, so as to reduce, lower, and injuriously affect the quality and strength thereof, and which had been substituted in part for the said article, in that the said article contained 31.45 per cent of moisture, whereas good commercial evaporated apples, as the term is understood by the trade and the public, should not contain more than 27 per cent of moisture.

Misbranding was alleged for the reason that the article was in package form, and the correct quantity of the contents thereof was not plainly and conspicuously marked on the outside of the packages in terms of weight, there being an average shortage of 7.58 per cent of evaporated apples in the packages which, according to the labels thereon, were marked as containing 14 ounces net when packed, and were, therefore, misbranded in that they failed to bear a correct statement of the quantity of the contents therein, the contents of the packages being less than the quantity shown by said label.

On May 27, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

4936. Adulteration and misbranding of evaporated apples. U. S. * * * v. 15 Cases of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7115. I. S. No. 11033–l. S. No. C–412.)

On December 13, 1915, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 cases, each containing 48 packages, of evaporated apples, remaining unsold in the original unbroken packages at Shreveport, La., alleging that the article had been shipped, on or about October 14, 1915, by Hartmann & Co., Rochester, N. Y., and transported from the State of New York into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The retail packages were labeled: "Gold Ribbon Brand Choice Evaporated Apples, Weight of package Fourteen Oz Net When Packed."

Adulteration of the article was alleged in the libel for the reason that it contained a substance, to wit, water, which had been mixed and packed therewith so as to reduce, lower, and injuriously affect the quality and strength thereof, and which had been substituted in part for the said article, in that the said article contained 31.75 per cent of moisture, whereas good commercial evaporated apples, as the term is understood by the trade and the public, should not contain more than 27 per cent of moisture. Adulteration was alleged for the further information that the article consisted in part of a decomposed vegetable substance and was sour and moldy on account of the excessive water therein contained.

Misbranding was alleged for the reason that the article was in package form and the correct quantity of the contents thereof was not plainly and conspicuously marked on the outside of the packages in terms of weight, there being an average shortage of 7.32 per cent of evaporated apples in the packages which, according to the labels thereon, were marked as containing 14 ounces net when packed, and were therefore, misbranded in that they failed to bear a correct statement of the quantity of the contents therein, the contents of the packages being less than the quantity shown by the said label.

On May 27, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

4937. Adulteration and misbranding of evaporated apples. U. S. * * * v. 35 Cases of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7116. I. S. No. 11034–l. S. No. C–413.)

On December 13, 1915, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 35 cases, each containing 48 packages, of evaporated apples, remaining unsold in the original unbroken packages at Shreveport, La., alleging that the article had been shipped, on or about October 14, 1915, by Hartmann & Co., Rochester, N. Y., and transported from the State of New York into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The retail packages were labeled: "Liberty Brand Baldwin Evaporated Apples, Weight of Package Fourteen Oz Net when Packed."

Adulteration of the article was alleged in the libel for the reason that it contained a substance, to wit, water, which had been mixed and packed therewith so as to reduce, lower, and injuriously affect the quality and strength thereof, and which had been substituted in part for the said article, in that the said article contained 31.42 per cent of moisture, whereas good commercial evaporated apples, as the term is understood by the trade and the public, should not contain more than 27 per cent of moisture.

Misbranding was alleged for the reason that the article was in package form, and the correct quantity of the contents thereof was not plainly and conspicuously marked on the outside of the packages in terms of weight, there being an average shortage of 6.78 per cent of evaporated apples in the packages which, according to the labels thereon, were marked as containing 14 ounces net when packed, and were, therefore, misbranded in that they failed to bear a correct statement of the quantity of the contents therein, the contents of the packages being less than the quantity shown by the said label.

On May 27, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

4938. Adulteration of sardines. U. S. * * * v. 955 Cases and 45 Cases of Sardines. Consent decree of condemnation. Portion of product ordered released. Remainder ordered destroyed. (F. & D. No. 7117. I. S. No. 3722–l. S. No. E–497.)

On December 11, 1915, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 955 cases and 45 cases of sardines, remaining unsold in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by L. D. Clark & Son, Eastport, Me., the 955 cases on or about December 1, 1915, and the 45 cases on or about December 6, 1915, and transported from the States of Maine and Massachusetts into the State of Virginia, and charging adulteration in violation of the Food and Drugs Act. The product in both shipments was labeled: "Banquet Brand American Sardines in Cottonseed Oil. Packed at Eastport, Washington Co., Me., by L. D. Clark & Son. Contents 3¼ avoir ozs."

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On June 20, 1916, Andrew Clark, trading as L. D. Clark & Son, Eastport, Me., having filed his claim, and a stipulation having been entered into whereby he consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the marshal permit a duly authorized representative of the Department of Agriculture of the United States to make a physical examination of the product, and that such of the product as the said duly authorized representative of the Department of Agriculture should certify to be fit for human consumption should be released and delivered by the marshal to the claimant aforesaid upon payment of all the costs of the proceedings, and that such of the cases of sardines as the said representative of the Department of Agriculture should certify to be unfit for human consumption should be destroyed by the marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

4929. Misbranding of "St. Joseph's Quick Relief." U. S. * * * v. Gerstle Medicine Co., a corporation. Submitted to information. Fine, $37.50 and costs. (F. & D. No. 7131. I. S. No. 126-k.)

At the April, 1916, term of the District Court of the United States for the Eastern District of Tennessee, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in said court an information against the Gerstle Medicine Co., a corporation, Chattanooga, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about June 17, 1914, from the State of Tennessee into the State of South Carolina, of a quantity of "St. Joseph's Quick Relief" which was misbranded. The article was labeled in part: (On bottle) "St. Joseph's Quick Relief. * * *" The booklet accompanying the article contained, among other things, the following: "St. Joseph's Quick Relief is an effective and quick remedy for Colic, Cholera Morbus, Dysentery, Diarrhoea, Cramps, Neuralgia, Internal Pains, Headache, Toothache, Earache, Backache, and all sudden and violent pains requiring prompt action."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consists of a hydroalcoholic solution of Peru balsam, camphor, and capsicum.

Alcohol (per cent by volume)	32.1
Non-volatile matter (grams per 100 cc)	1.82
Capsicum: Present.	
Camphor: Present.	
Peru balsam (grams per 100 cc)	1.41

Misbranding of the article was alleged in the information, for the reason that the following statement regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, "St. Joseph's Quick Relief * * * For Headache, Toothache, Neuralgia, Rheumatism, Cholera Morbus, Diarrhoea, Colic * * *" and included in the booklet aforesaid, to wit, "St. Joseph's Quick Relief is an effective and quick remedy for Colic, Cholera Morbus, Dysentery, Diarrhoea * * * Neuralgia * * * Headache, Toothache, Earache * * * and all sudden and violent pains requiring prompt action," were false and fraudulent, in that the same were applied to the article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a relief for headache, toothache, neuralgia, rheumatism, cholera morbus, diarrhea, and colic, and as a remedy for colic, cholera morbus, dysentery, diarrhea, neuralgia, headache, toothache, ear ache, and all sudden and violent pains requiring prompt action, when, in truth and in fact, it was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents.

On May 23, 1916, the defendant company entered its submission to the information, and the court imposed a fine of $37.50 and costs.

R. A. Pearson, *Acting Secretary of Agriculture.*

4940. Misbranding of "Imperial Feed." U. S. * * * v. Newport Mill Co., a corporation. Submitted to information. Fine, $50 and costs. (F. & D. No. 7136. I. S. No. 22503–h.)

At the December, 1915, term of the District Court of the United States for the Eastern District of Tennessee, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in said court an information against the Newport Mill Co., a corporation, Louden, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 9, 1914, from the State of Tennessee into the State of South Carolina, of a quantity of an article labeled in part, "Imperial Feed", which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Ether extract (crude fat) (per cent)	2.72
Protein (per cent)	11.40

Misbranding of the article was alleged in the information, for the reason that the following statement regarding it and the ingredients and substances contained therein, appearing on the label aforesaid, to wit, "* * * Guaranteed analysis: Protein 13.00% * * * fat 4.00% * * *," was false and misleading, in that it indicated to purchasers thereof that the article contained 13 per cent protein and 4 per cent of fat, and for the further reason that it was labeled: "* * * Guaranteed analysis: Protein 13.00% * * * fat 4.00%, * * *" so as to deceive and mislead purchasers into the belief that it contained 13 per cent of protein and 4 per cent of fat, when, in truth and in fact, it did not, but contained a less amount thereof, to wit, 11.40 per cent protein and 2.72 per cent of fat.

On June 16, 1916, the defendant company entered its submission to the information, and the court imposed a fine of $50 and costs.

R. A. Pearson, *Acting Secretary of Agriculture.*

4941. Adulteration of sardines. U. S. * * * v. 393 Cases of Sardines, So-called. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7141. I. S. No. 2517–l. S. No. E–419.)

On December 29, 1915, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 393 cases of so-called sardines, remaining unsold in the original unbroken packages at Binghamton, N. Y., alleging that the article had been shipped, on or about August 28, 1915, by the Blanchard Manufacturing and Canning Co., Eastport, Me., and transported from the State of Maine into the State of New York, and charging adulteration, in violation of the Food and Drugs Act. The article was labeled in part: "Damon American Sardines in oil, cotton seed oil. Packed by Blanchard M'f'g. and Canning Co., Eastport, Maine."

The allegation in the libel was to the effect that the article was adulterated for the reason that it was in part decomposed.

On January 18, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

4942. Adulteration of condensed milk. U. S. * * * v. 600 Cases * * * of Condensed Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7145. I. S. No. 2052–l. S. No. E–520.)

On December 31, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 600 cases, each containing 48 cans, of condensed milk, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been transported from the State of Louisiana into the State of New York, the shipment having been received on or about December 28, 1915, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted, in whole or in part, of a filthy, decomposed, or putrid animal substance, to wit, ropy, sour, discolored, decomposed condensed milk.

On May 22, 1916, the South Holland Milk Corp., New York, N. Y., claimant, having filed a stipulation admitting the truth of the allegations contained in the libel and consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article should be redelivered to said claimant upon the payment of the costs of the proceedings and the execution of bond in the sum of $1,500, conditioned in part that said article be shipped to York, Pa., and there delivered to a representative of this department to be inspected and sorted, and that the portion of said article that was found to be unfit for food should be destroyed or denatured, and that the balance should be released to said claimant for food purposes.

R. A. Pearson, *Acting Secretary of Agriculture.*

4943. Misbranding of "Andrews' Wine of Life Root or Female Regulator" and "Andrews' Wine of Life Root Annex Powders." U. S. * * * v. Ernest L. Andrews, trading as Andrews Manufacturing Co. Submitted to information. Fine, $50 and costs. (F. & D. No. 7151. I. S. No. 15053-h.)

At the March, 1916, term of the District Court of the United States for the Eastern District of Tennessee, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in said court an information against Ernest L. Andrews, trading as Andrews Manufacturing Co., Bristol, Tenn., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about July 14, 1914, from the State of Tennessee into the State of Georgia, of a misbranded article of drug labeled in part, "Andrews' Wine of Life Root or Female Regulator," with which was packed another misbranded article of drug labeled in part, "Andrews' Wine of Life Root Annex Powders."

Analysis of a sample of "Andrews' Wine of Life Root" by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	14.8
Nonvolatile matter (grams per 100 cc)	19.9
Sugar (grams per 100 cc	16.8
Methyl salicylate: Present.	
Tannin: Present.	

Analysis of a sample of "Andrews' Wine of Life Root Annex Powders" showed the following results:

Sodium bicarbonate (per cent)	49.06
Sodium carbonate (per cent)	2.12
Sodium chlorid (per cent)	47.94

It was charged, in substance, in the information that the "Wine of Life Root" was misbranded in that certain statements appearing on the label of the article and included in the pamphlet accompanying it falsely and fraudulently represented it as a remedy for all diseases peculiar to the female sex, as a female regulator, for diseases peculiar to the female sex, such as leucorrhea or whites, or painful or unnatural suppression of the monthly menstruation, for all female diseases, for flooding of the womb, for regulating all derangements of the menstrual organs, and as a remedy for all diseases originating and depending upon an abnormal condition of the womb, for suppressed menstruation and painful menstruation, as a panacea for woman's ills, for profuse menstruation in preventing too great loss of blood, in clearing the blood of wives and expectant mothers from all impurities, in strengthening the entire uterine system, relieving pain and congestion, and strengthening relaxed ligaments, in assisting the uterus to a natural position, as a remedy for sterility, and as a cure for all diseases from which women suffer, and for all forms of female weakness, and, when used in connection with "Andrews' Wine of Life Root Annex Powders," as a remedy for leucorrhea or whites, when, in truth and in fact, it was not.

On March 20, 1916, the defendant entered his submission to the information, and the court imposed a fine of $50 and costs.

R. A. Pearson, *Acting Secretary of Agriculture.*

4944. Misbranding of "Clark Stanley's Snake Oil Liniment." U. S. * * * v. Clark Stanley, trading as Clark Stanley Snake Oil Liniment Co. Plea of nolo contendere. Fine, $20. (F. & D. No. 7154. I. S. No. 3422–k.)

On May 20, 1916, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Clark Stanley, trading as Clark Stanley Snake Oil Liniment Co., Providence, R. I., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about January 9, 1915, from the State of Rhode Island into the State of Massachusetts, of a quantity of "Clark Stanley's Snake Oil Liniment" which was misbranded. The article was labeled in part: (Label on bottle) "Clark Stanley's Snake Oil Liniment."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed it to consist principally of a light mineral oil (petroleum product) mixed with about 1 per cent of fatty oil (probably beef fat) capsicum, and possibly a trace of camphor and turpentine.

It was charged in substance in the information that the article was misbranded for the reason that certain statements, appearing on the label of the article and included in the blooklet accompanying it, falsely and fraudulently represented it as a remedy for all pain and lameness, for rheumatism, neuralgia, sciatica, sprains, bunions, and sore throat, for bites of animals and reptiles, for all pains and aches in flesh, muscle and joints, as a relief for tic douloureux, and as a cure for partial paralysis of the arms and of the lower limbs, and as a remedy for paralysis and effective to reduce enlarged joints to their natural size, as a perfect antidote to pain and inflammation, and effective to kill the poison from bites of animals, insects or reptiles, and heal the wounds resulting from bites of animals, insects, or reptiles, when, in truth and in fact, it was not.

On June 15, 1916, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of $20.

R. A. Pearson, *Acting Secretary of Agriculture.*

4945. Adulteration of condensed milk and skimmed milk. U. S. * * * v. 1,215 Cases of Condensed Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7165. I. S. Nos. 2632–l, 2633–l, 2634–l, 2635–l, 2636–l. S. No. E–531.)

On January 19, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,215 cases of condensed milk, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about January 1, 1916, and transported from the State of Louisiana into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, or putrid animal substance, to wit, spoiled, cheesy condensed milk.

On May 22, 1916, the South Holland Milk Corp., New York, N. Y., claimant, having filed a stipulation admitting the allegations in the libel and consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $2,500, conditioned in part that said article should be shipped to York, Pa., and there delivered to a representative of this department to be inspected and sorted, and that the portion of said article that was found unfit for food should be destroyed or denatured, and that the balance should be released to said claimant.

R. A. Pearson, *Acting Secretary of Agriculture.*

4946. Adulteration of oysters. U. S. * * * v. Old Dutch Market, Inc., a corporation. Plea of guilty. Fine, $20. (F. & D. No. 7176. I. S. Nos. 3435–l, 3444–l.)

On March 1, 1916, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court for said District an information against the Old Dutch Market, Inc., a corporation, doing business at Washington, D. C., alleging the sale by said defendant, on December 14, 1915, and on December 15, 1915, at the District aforesaid, in violation of the Food and Drugs Act, of a quantity of oysters, which were adulterated.

Analysis of samples of the article by the Bureau of Chemistry of this department showed the following results:

Oysters sold on December 14, 1915:

Liquor (per cent)	25.6
Meat (per cent)	74.4

Analysis of meat.

Loss on boiling (per cent)	53.2
Solids (per cent)	16.80
Ash (per cent)	0.90
Chlorids as sodium chlorid (per cent)	0.30
Chlorids in liquor as sodium chlorid (per cent)	0.30

Oysters sold on December 15, 1915:

Liquor (per cent)	33.5
Meats (per cent)	66.5

Analysis of meat.

Loss on boiling (per cent)	51.9
Solids (per cent)	15.25
Ash (per cent)	0.81
Chlorids in meat as sodium chlorid (per cent)	0.05
Chlorids in liquor as sodium chlorid (per cent)	0.50

These results show the substitution of a material amount of water for oysters in each case.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for oysters, which said article purported to be.

On March 1, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $20.

R. A. Pearson, *Acting Secretary of Agriculture.*

4947. Adulteration of Mexican chili peppers. U. S. * * * v. 1 Bale of Mexican Chili Peppers. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7183. I. S. No. 11641–l. S. No. C–430.)

On January 28, 1916, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 bale of Mexican chili peppers, weighing approximately 355 pounds, remaining unsold in the original unbroken package at Nashville, Tenn., alleging that the article had been shipped on or about December 27, 1915, by J. Armengol, Chicago, Ill., and transported from the State of Illinois into the State of Tennessee, and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "J. Armengol Importerador 2108 J. A. Salovar St Jose Delanoria."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On June 28, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

4948. Adulteration of beans. U. S. * * * v. 159 Bags of Dried Beans. Decree of condemnation. Product ordered released on bond. (F & D. No. 7184. I. S. No. 11643-l. S. No. C-429.)

On January 28, 1916, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 159 bags of dried beans, remaining unsold in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped on or about May 21, 1915, by Arthur J. Thompson, Chicago, Ill., and transported from the State of Illinois into the State of Tennessee, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On May 12, 1916, the said Arthur J. Thompson, claimant, having appeared, it was ordered by the court that the decree pro confesso theretofore entered, condemning the product, should be set aside, and that the product should be released to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of $250, in conformity with section 10 of the act, conditioned in part that said claimant should have the product re-picked under the supervision of the Department of Agriculture of the United States of America, the unfit portion of the beans to be destroyed, and the good portion, if any, released for commercial purposes.

R. A. Pearson, *Acting Secretary of Agriculture.*

4949. Adulteration of oysters. U. S. v. William S. Hatton. Plea of guilty. Fine, $10. (F. & D. No. 7200. I. S. No. 3448-l.)

On April 28, 1916, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of said District an information against William S. Hatton, Washington, D. C., alleging the sale by said defendant, on December 15, 1915, in the District aforesaid, in violation of the Food and Drugs Act, of a quantity of oysters, which were adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Liquor (per cent)	29.1
Meat (per cent)	70.9
Meats:	
Loss on boiling (per cent)	54.6
Solids (per cent)	15.09
Ash (Per cent)	0.74
Chlorids in meat, as sodium chlorid (per cent)	0.65
Chlorids in liquor, as sodium chlorid (per cent)	0.23

These results show the addition of a material amount of water.

Adulteration of the article was alleged in the information for the reason in that a certain substance to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for oysters, which the article purported to be.

On April 28, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

R. A. Pearson, *Acting Secretary of Agriculture.*

4939. Adulteration of canned sweet potatoes. U. S. v. 17 Cases of Canned Sweet Potatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7204. I. S. No. 1847–l. S. No. E–544.)

On or about February 4, 1916, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 17 cases of canned sweet potatoes, remaining unsold in the original unbroken packages at Norfolk, Va., alleging that the article had been shipped on or about January 31, 1916, by L. H. Schwab, Baltimore, Md., and transported from the State of Maryland into the State of Virginia, and charging adulteration in violation of the Food and Drugs Act. Some cans were labeled in part: "Gelco Brand Sweet Potatoes—Packed for Fressit-Laws Co., Baltimore, Md." Some cans were labeled in part: "Hector Brand Sweet Potatoes—Thomas Roberts and Co., Philadelphia, Pa., U. S. A. Distributors."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On June 15, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

R. A. Pearson, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 4901 TO 4950.

ADDITIONAL COPIES
OF THIS PUBLICATION MAY BE PROCURED FROM
THE SUPERINTENDENT OF DOCUMENTS
GOVERNMENT PRINTING OFFICE
WASHINGTON, D. C.
AT
5 CENTS PER COPY

▽

S. R. A.—Chem. Suppl. 30. Issued January 30, 1918.

United States Department of Agriculture,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, CHIEF OF BUREAU.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 4951–5000.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 22, 1917.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

4951. **Adulteration of sardines. U. S. v. 815 Cases of Sardines. Consent decree of condemnation. Portion of product ordered destroyed. Balance ordered released to claimant.** (F. & D. No. 7214. I. S. Nos. 1362–l, 2377–l. S. No. E–550.)

On February 11, 1916, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 815 cases of sardines, remaining unsold in the original unbroken packages at Macon, Ga., alleging that the article had been shipped by the Lubec Sardine Co., of Lubec, Me., and transported from the State of Maine into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act. The cans were labeled, in part: "Togo Brand American Sardines in Cotton Seed Oil. Packed by Lubec Sardine Co., Lubec, Washington Co., Maine."

The allegations in the libel were to the effect that the article was adulterated in that it consisted in part of a decomposed animal substance.

On June 15, 1916, the said Lubec Sardine Co., claimant, having consented to a decree, judgment of condemnation was entered, and it was ordered by the court that a separation of the article might be had by a representative of the Depaprtment of Agriculture, who should examine the sardines in the presence of a representative of the claimant company for the purpose of ascertaining whether any of the food was adulterated; and, if any of the food be found to be adulterated by said representative of the Department of Agriculture, that the same should be forthwith destroyed; and that any and all food which might be found by said representative to be free from adulteration should be forthwith delivered to said claimant company or its duly authorized representative; and that said claimant pay all the costs of the proceedings.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4952. Adulteration of tuna fish. U. S. * * * v. 786 Cases * * * of Tuna Fish. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7222. I. S. Nos. 4110–l, 4111–l, 4112–l, 4113–l, 4114–l, 4115–l, 4120–l, 4121–l, 4122–l. S. No. E–551.)

On February 14, 1916, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 786 cases of an article purporting to be tuna fish, remaining unsold in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped and transported from the State of California into the State of Pennsylvania, the shipment having been received on or about January 15, 1916, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted, in whole or in part, of a filthy, decomposed, or putrid animal substance, unfit for food, 30 to 40 per cent of the cans containing partly decomposed fish.

On March 10, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4953. Adulteration of dried chili peppers. U. S. * * * v. 204 Bags of Dried Chili Peppers. Consent decree. Product ordered released on bond. (F. & D. No. 7233. I. S. Nos. 11451–l, 12105–l. S. No. C–455.)

On February 25, 1916, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 204 bags, each containing about 169 pounds, of dried chili peppers, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped, on or about April 15, 1915, by the Crosby Chili Evaporating Co., Garden Grove, Cal., and transported from the State of California into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act.

The allegations in the libel were to the effect that the article was adulterated in that it consisted, in whole or in large part, of a very moldy product, and was, in whole or in large part, a filthy, decomposed, and putrid vegetable substance, and unfit for use as food within the meaning of the Food and Drugs Act.

On May 11, 1916, the Wm. Schotten Coffee Co., St. Louis, Mo., claimant, having filed its claim and answer to the libel, a decree by the court was entered, and it was ordered that the product should be delivered to said claimant upon payment of the costs of the proceeding and the execution of bond to be approved as to form, amount, and sufficiency by the district attorney, conditioned that that portion of the product complained of as being adulterated should not be sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act, or of the laws of any State, Territory, District, or insular possession.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4954. Adulteration of pork and beans. U. S. * * * v. 1,800 Cases * * * of Pork and Beans. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7241. I. S. Nos. 4128–l, 4145–l, 4139–l, 4140–l. S. No. E–559.)

On March 8, 1916, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,800 cases of pork and beans, consigned by the Elyria Canning Co., Elyria, Ohio, and remaining unsold in the original unbroken packages at Pittsburgh, Pa., alleging that 600 cases were shipped on December 20, 1915; 600 cases on December 28, 1915; and 600 cases on January 3, 1916; and transported from the State of Ohio into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled, in part: (Cans) "Puritan brand pork and beans with tomato sauce."

Adulteration of the article was alleged in the libel for the reason that it consisted, in whole or in part, of a decomposed vegetable substance, unfit for food, 16.5 per cent thereof being partly decomposed beans.

On March 15, 1916, the said Elyria Canning Co., claimant, having entered its appearance and consented to a decree, judgment of forfeiture and confiscation was entered, and it was ordered by the court that said article should be surrendered to said claimant upon the payment of the costs of the proceedings and the execution of bond in the sum of $1,000, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4955. Misbranding of beer. U. S. * * * v. John Hohenadel. Plea of guilty. Fine, $100. (F. & D. No. 7243. I. S. No. 4810–k.)

On April 28, 1916, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Hohenadel, Philadelphia, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about May 27, 1915, from the State of Pennsylvania into the State of New Jersey, of a quantity of beer, which was misbranded. The article was labeled: (On main label) "Hohen-Adel Crowned with Success (Design of Barley and Malt) Approved JH Endorsed Health Beer Approved, Recommended and Endorsed by U. S. Health Bulletin for Absolute Purity, Free from Adulterations and Sanitary and Hygienic Methods of Brewing and Handling John Hohenadel, Falls Brewery, Philadelphia, Pa."

Misbranding of the article was alleged in the information for the reason that the statement (borne on the label), to wit, "Approved, Recommended and Endorsed By U. S. Health Bulletin For Absolute Purity, Free From Adulterations," was false and misleading in that it falsely represented that the article had been approved, recommended, and indorsed by the United States Government, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchasers into the belief that it had been approved, recommended, and indorsed by the United States Government, whereas, in truth and in fact, it had not. Misbranding was alleged for the further reason that the article was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside thereof.

On June 12, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of $100.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4956. Adulteration of butter. U. S. * * * v. 13 Cases * * * of Butter. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7248. I. S. No. 20116–l. S. No. W–84.)

On March 14, 1916, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 13 cases, each containing 100 pounds, more or less, of butter, consigned by F. H. Schmalz & Co., Portland, Oreg., and remaining unsold in the original unbroken packages at San Francisco, Cal., alleging that the article had been shipped and transported from the State of Oregon into the State of California, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of decomposed animal substance.

On April 7, 1916, F. H. Schmalz & Co., Portland, Oreg., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of $250, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4957. Adulteration of butter. U. S. * * * v. 6 Cases * * * of Butter. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7250. I. S. No. 20121-t. S. No. W-86.)

On March 20, 1916, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 cases, each containing 100 pounds, more or less of butter, consigned by F. H. Schmalz & Co., Portland, Oreg., and remaining unsold in the original unbroken packages at San Francisco, Cal., alleging that the article had been shipped and transported from the State of Oregon into the State of California, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of decomposed animal substance.

On April 7, 1916, F. H. Schmalz & Co., a corporation, Portland, Oreg., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of $250, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4958. Adulteration of eggs. U. S. * * * v. 350 Cases * * * of Eggs. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 7278. S. No. E–580.)

On April 4, 1916, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the said District, holding a District Court, a libel for the seizure and condemnation of 350 cases, more or less, each containing 30 dozen eggs, remaining unsold in the original unbroken packages at Washington, D. C., alleging that the article was within the District of Columbia, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal and vegetable substance, for which reason the eggs were absolutely unfit for human consumption.

On April 11, 1916, Louis Spickloser, claimant, Washington, D. C., having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that said claimant should pay all the costs of the proceedings.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4959. Adulteration and misbranding of pork and beans. U. S. * * * v. 100 Cases * * * of Pork and Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7281. I. S. No. 10135-l. S. No. C-465.)

On April 4, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cases, each containing 24 cans, of pork and beans remaining unsold in the original unbroken packages at Sterling, Ill., alleging that the product had been shipped by the Wisconsin Pea Canners' Co., Manitowoc, Wis., on November 30, 1915, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that when it was so shipped as aforesaid it consisted in part of a decomposed vegetable substance, and for the further reason that it consisted in part of a decomposed animal substance. Adulteration was alleged for the further reason that a certain quantity of a substance known as annatto, an artificial color, had been mixed with the article in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that each of the cans containing the article bore a label in words and figures as follows, to wit, "Eureka brand high grade pure food products pork and beans with tomato sauce. Packed by Wisconsin Pea Canners Company Manitowoc Wisconsin. Contents 1 lb 12 oz.," which said statement appearing on each of the labels was false and misleading in that it represented to the purchaser that the article contained tomato sauce, and for the further reason that it deceived and misled the purchaser into the belief that the article contained tomato sauce, whereas in truth and in fact it did not.

On June 19, 1916, no claimant having appeared for the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4960. Adulteration and misbranding of grape juice. U. S. * * * v. Frank J. Hauser, trading as Monarch Wine Co. Plea of nolo contendere. Fine, $25 and costs. (F. & D. No. 7324. I. S. No. 11503-l.)

On May 20, 1916, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frank J. Hauser, trading as Monarch Wine Co., Kelleys Island, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about June 30, 1915, from the State of Ohio into the State of Illinois, of a quantity of grape juice which was adulterated and misbranded. The article was labeled, in part: (Main label) "Unfermented Catawba Grape Juice. Modified and Sweetened With Pure Cane Sugar. Monarch Wine Co. Kelleys Island, Ohio, U. S. A." (Neck label) "Monarch Grape Juice Bottled At The Winery Kelley's Island Where The Grapes Grow."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Solids (grams per 100 cc)	19.81
Nonsugar solids (grams per 100 cc)	1.25
Reducing sugar as invert, direct (grams per 100 cc)	18.06
Ash (grams per 100 cc)	0.17
Alkalinity soluble ash (cc N/10 acid per 100 cc)	10.8
Total phosphoric acid (mg per 100 cc)	9.0
Total tartaric acid (grams per 100 cc)	0.410
Free tartaric acid (grams per 100 cc)	0.16
Cream of tartar (grams per 100 cc)	0.20

Added water and sugar.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for Catawba grape juice, which the article purported to be.

Misbranding was alleged for the reason that the following statement, regarding the article and the ingredients and substances contained therein, appearing on the label aforesaid, to wit, "Unfermented Catawba Grape Juice," was false and misleading in that it indicated to purchasers thereof that the article was pure unfermented Catawba grape juice, and for the further reason that the article was labeled as aforesaid, so as to deceive and mislead purchasers into the belief that it was pure unfermented Catawba grape juice, when, in truth and in fact it was not, but was, to wit, a mixture of unfermented Catawba grape juice and water.

On June 17, 1916, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of $25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4961. Misbranding of oil. U. S. * * * v. 7 Cases * * * 5 Cases * * * and 3 Cases * * * of Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7345. I. S. No. 2549-l. S. No. E-591.)

On April 24, 1916, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 cases, each containing 12 one-gallon cans, 5 cases, each containing 12 half-gallon cans, and 3 cases, each containing 12 quarter-gallon cans, of oil, remaining unsold in the original unbroken packages at Paterson, N. J., alleging that the article had been shipped, on or about March 24, 1916, by Anna Heller, trading under the name of Venice Importing Co., New York, N. Y., and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act. The article was labeled, in part: "A compound. Tripolitania brand."

Misbranding of the article was alleged in the libel for the reason that it was labeled and branded so as to deceive and mislead the purchaser as to the quantity contained in the cans, the cans contained in the 7 cases being labeled, "Net contents full gallon," whereas, in truth and in fact, each of the cans contained less than 1 gallon; the cans in the 5 cases being labeled, "Net contents full ½ gallon," whereas, in fact and in truth, each of the cans contained less than ½ gallon; and the cans, contained in the 3 cases, being labeled, "Net contents full ¼ gallon," whereas, in fact and in truth, each of said cans contained less than ¼ gallon. Misbranding was alleged for the further reason that the oil was contained in cans in package form, and the quantity of the contents of each package was not plainly, correctly, and conspicuously marked on the outside of the packages in terms of weight, measure, and numerical count, nor in any other manner.

On June 6, 1916, the said Anna Heller, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and, it appearing that said claimant had filed a bond in the sum of $300, in conformity with section 10 of the act, and had paid the costs of the proceedings, it was ordered by the court that the product should be released and delivered to said claimant.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4962. Misbranding of oil. U. S. * * * v. 6 Cases * * * and 2 Cases * * * of Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7346. I. S. No. 2550–l. S. No. E–592.)

On April 24, 1916, the United State attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 cases, each containing 12 quarter-gallon tins, and 2 cases, each containing 12 half-gallon tins, of oil, remaining unsold in the original unbroken packages at Newark, N. J., alleging that the article had been shipped, on or about January 28, 1916, by Anna Heller, trading under the name of the Venice Importing Co., New York, N. Y., and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act. The article was labeled, in part: "A compound. Tripolitania Brand."

Misbranding of the article was alleged in the libel for the reason that it was labeled and branded so as to deceive and mislead the purchaser as to the quantity contained in the cans, they being labeled, "Net contents full ¼ gallon", and "Net contents full ½ gallon," respectively, whereas, in fact and in truth, the said tins contained a less amount than ¼ gallon and ½ gallon, respectively. Misbranding was alleged for the further reason that the oil was contained in cans in package form, and the quantity of the contents of each package was not plainly, correctly, and conspicuously marked on the outside of the packages in terms of weight, measure, and numerical count, nor [in] any other manner.

On June 6, 1916, the said Anna Heller, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and, it appearing that said claimant had filed a bond in the sum of $300, in conformity with section 10 of the act, and had paid the costs of the proceedings, it was ordered by the court that the product should be released and delivered to said claimant.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4963. Adulteration of canned pork and beans. U. S. * * * v. 2,400 Cans * * * of Pork and Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7351. I. S. No. 12566–l. S. No. C–493.)

On April 25, 1916, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2,400 cans, purporting to contain pork and beans, consigned by Hart Bros., Saginaw, Mich., on February 23, 1916, and remaining unsold in the original unbroken packages at Columbus, Ohio, alleging that the article had been shipped and transported from the State of Michigan into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The cans were labeled, in part: "Saginaw Brand" (picture of Indian's head, etc.) "Beans with Pork and Tomato Sauce."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of decomposed vegetable substances, and was unfit for food.

On June 17, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4964. Misbranding of oil. U. S. * * * v. 3 Cases * * * of Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7357. I. S. No. 505–l. S. No. E–595.)

On April 26, 1916, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 cases, each containing 12 one-gallon cans, of oil, remaining unsold in the original unbroken packages at Paterson, N. J., alleging that the article had been shipped, on or about March 25, 1916, by Anna Heller, trading under the name of Venice Importing Co., New York, N. Y., and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act. The article was labeled, in part: "A compound. Tripolitania brand. Net contents—Full gallon."

Misbranding of the article was alleged in the libel for the reason that it was labeled and branded so as to deceive and mislead the purchaser as to the quantity contained in the cans, they being labeled, "Net contents—Full gallon," that is to say, that each of the cans contained 1 full gallon, whereas, in fact and in truth, each of the cans contained less than 1 gallon.

Misbranding was alleged for the further reason that the oil was contained in cans in package form, and the labels thereof purported to state the contents in terms of measure, but the quantity or measure of the contents of each package, or can, was not plainly and correctly marked or stated on the outside of the packages or cans in terms of weight and measures, nor in any other manner.

On June 6, 1916, the said Anna Heller, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and, it appearing that the claimant had filed a bond in the sum of $300 in conformity with section 10 of the act, and paid the costs of the proceedings, it was ordered by the court that the product should be released and delivered to said claimant.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4965. Misbranding of oil. U. S. * * * v. 4 Cases * * * and 1 Case * * * of Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7368. I. S. No. 4211–l. S. No. E–597.)

On April 28, 1916, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 cases, each containing 12 one-gallon cans, of oil, and 1 case, containing 12 one-quarter gallon cans, of oil, remaining unsold in the original unbroken packages at Morristown, N. J., alleging that the article had been shipped, on or about March 9, 1916, by Anna Heller, trading under the name of the Venice Importing Co., New York, N. Y., and transported from the state of New York into the state of New Jersey, and charging misbranding in violation of the Food and Drugs Act. The article in the 4 cases was labeled: "Net contents—full gallon" (Italian coat of arms) "Olio Sopraffino Qualita Superiore Olio Finissimo. Cottonseed and Olive Oil. A compound. Tripolitania Brand." The article in the one case was labeled: "Net contents full ¼ gallon." (Italian coat of arms) "Olio Sopraffino Qualita Superiore Olio Finissimo. Cottonseed and Olive Oil. A compound. Tripolitania Brand."

Misbranding of the article was alleged in the libel for the reason that it was labeled and branded so as to deceive and mislead the purchaser as to the quantity contained in the cans, the 1-gallon cans being labeled, "Net contents—full gallon," and the quarter-gallon cans being labeled, "Net contents—full ¼ gallon"; that is to say, that each of the cans contained 1 full gallon or 1 full quarter gallon, respectively; whereas, in fact and in truth, each of the cans contained less than 1 gallon or ¼ gallon, as the case might be. Misbranding was alleged for the further reason that the general design and arrangement of the labels, including the words thereon, were such as to deceive and mislead the purchaser in giving the impression that the product was an Italian olive oil, when, in fact and in truth, it was composed of cottonseed oil together with olive oil, and for the further reason that the general arrangement and design of the label, including the words thereon, were such as to give the impression that the oil was a foreign product, when, in fact and in truth, it was not. Misbranding was alleged for the further reason that the statement, "Olive Oil," in large type upon the label deceived and misled, and was intended to deceive and mislead the purchaser into the belief that the product was olive oil, and this deception and misleading was not corrected by the words in small and inconspicuous type on the label "Cottonseed and."

On June 6, 1916, the said Anna Heller, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered and, it appearing that said claimant had filed bond in the sum of $300 in conformity with section 10 of the act and had paid the costs of the proceedings, it was ordered by the court that the product should be released and delivered to said claimant.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4966. Adulteration of canned beans. U. S. * * * v. 252 Cases of Red Kidney Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7375. I. S. No. 11807–l. S. No. C–509.)

On April 29, 1916, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 252 cases, each containing 24 cans, of red kidney beans, remaining unsold in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped on or about February 25, 1916, by the Norfolk Packing Co., Norfolk, Nebr., and transported from the State of Nebraska into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled, in part: "Harvest Treasure Brand Red Kidney Beans Packed by Norfolk Packing Co., Norfolk, Neb."

Adulteration of the article was alleged in the libel for the reason that it consisted, in whole or in part, of a filthy, decomposed, and putrid vegetable substance.

On June 8, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4967. Adulteration of canned pork and beans. U. S. * * * v. 600 Cases of Pork and Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7387. I. S. No. 10094–l. S. No. C–510.)

On May 3, 1916, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 600 cases, each containing 24 cans, of pork and beans, remaining unsold in the original unbroken packages at Joplin, Mo., alleging that the article had been shipped, on or about March 31, 1916, by the Norfolk Packing Co., Norfolk, Nebr., and transported from the State of Nebraska into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled, in part: "Mak'o Brand Pork and Beans with tomato sauce."

Adulteration of the article was alleged in the libel for the reason that it consisted, in whole or in part, of a filthy, decomposed, and putrid vegetable substance.

On June 9, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4389°—18——2

4968. Adulteration of canned pork and beans. U. S. * * * v. 680 Cases of Pork and Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7392. I. S. No. 10098–l. S. No. C–516.)

On May 3, 1916, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, a libel for the seizure and condemnation of 680 cases, each containing 24 cans, of pork and beans, remaining unsold in the original unbroken packages at Joplin, Mo., alleging that the article had been shipped, or or about March 23, 1916, by the Norfolk Packing Co., Norfolk, Nebr., and transported from the State of Nebraska into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled, in part: "Harvest Treasure Brand Pork and Beans with Tomato Sauce Packed by Norfolk Packing Company, Norfolk, Nebraska."

Adulteration of the article was alleged in the libel for the reason that it consisted, in whole or in part, of a filthy, decomposed, and putrid vegetable substance.

On June 9, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4969. Misbranding of "Stuart's Calcium Wafer Compound." U. S. * * * v. 12 Dozen Packages * * * of "Stuart's Calcium Wafer Compound." Submitted to the court. Default decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 7410. I. S. No. 1785–l. S. No. E–601.)

On May 8, 1916, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 dozen packages of "Stuart's Calcium Wafer Compound," remaining unsold in the original unbroken packages at Charleston, W. Va., alleging that the article had been shipped on April 21, 1916, by the F. A. Stuart Co., Marshall, Mich., and transported from the State of Michigan into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended. Each of the packages was labeled, in part: "Stuart's Calcium Wafer Compound."

It was alleged in the libel that the branding and labeling of the product were false and fraudulent, and that the article was therefore misbranded for the reason that in said branding and labeling the article was designated as perfectly harmless, whereas in fact it was not harmless, as therein claimed, but on the contrary was harmful for the reason that it consisted of calcium sulphid, aloes, and strychnine, a poisonous substance, and was coated with iron oxid. It was further alleged that the branding and labeling of the article were false and fraudulent, and the article was therefore misbranded for the reason that said labeling and branding designated it as a remedy for eruptions, scrofula, constipation, humor, liver troubles, and all disorders and symptoms arising from impure blood; for blood disorders, skin affections, and any derangement of the blood, bowels, kidneys, or liver, and for the further reason that in said labeling and branding the article was claimed as a remedy for blood troubles and skin diseases; that it was the most powerful blood purifier known; that it would relieve from skin diseases, and would purify and enrich the blood; that the liver would be aided and the stomach reenforced by the use of the article; and that it was a remedy for chronic and temporary blood disorders and skin diseases; that it would restore the normal action of the bowels, liver, and excretory organs; that its use would infuse renewed energy and strength into the exhausted nerves and overworked brain and muscular system; and that it contained all the ingredients necessary to repair nerve tissue and depleted blood, and would relieve and prevent constipation, whereas, in fact and in truth, it contained no ingredient or combination of ingredients capable of producing the therapeutic effects so claimed for it in said labeling and branding. It was further alleged that the labeling and branding of the article were false and fraudulent, and it was therefore misbranded in that, in said labeling and branding, it was claimed for the article that children might take it with freedom; that their organisms would thrive with its use; that it was harmless and contained no poisonous ingredients; that it was a safe remedy and contained no opiate, mercury, iodid potassium, or similar poisons; that it might be used safely by any person; and that no possible injury could result from its use, whereas, in truth and in fact, it consisted of calcium sulphid, aloes, and strychnine, was coated with iron oxid, and contained a poisonous substance, to wit, strychnine, and whereas, in truth and in fact, it could not be taken by children, and their organisms [would not] thrive with its use, and whereas, in truth and in fact, the article was not harmless and did contain a poisonous ingredient, to wit, strychnine, and was not a safe remedy

and contained a poison, to wit, strychnine, and could not be safely used by any person with no possible injury resulting therefrom.

On June 29, 1916, no claimant having appeared for the product, and the case having been submitted to the court without a jury, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4970. Adulteration and misbranding of oats. U. S. * * * v. 281 Sacks of Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 304–c. I. S. No. 9076–l.)

On February 12, 1916, the United States attorney for the Southern District of Florida, acting upon a report by the Commissioner of Agriculture of the State of Florida, authorized by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 281 sacks, each containing about 100 pounds, of oats, consigned by Mayo Milling Co., Richmond, Va., and remaining unsold in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped about February 3, 1916, and transported from the State of Virginia into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The sacks were labeled variously with the names of ground feedstuffs, being secondhand sacks and having been emptied of their original contents.

Adulteration of the article was alleged in the libel for the reason that it was labeled as a mixed ground feed of various descriptions, whereas other substances, to wit, oats, wheat, chaff, and weed seeds had been substituted for said article.

Misbranding was alleged for the reason that the article was variously branded as ground feed, whereas it was a mixture of oats, wheat, barley, chaff, trash, and weed seeds.

On March 8, 1916, the J. G. Permenter Co., a corporation, Jacksonville, Fla., claimant, having filed its answer to the libel admitting the allegations therein, but claiming that the adulteration and misbranding of the article was not committed by it, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article should be delivered to said claimant upon the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that if the article was sold or disposed of, the branding thereof should be such as accurately and correctly to describe the same.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4971. Adulteration of confectionery, jelly eggs. U. S. * * * 30 Barrels Confectionery, Jelly Eggs. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 2526. I. S. No. 14843-c. S. No. 899.)

On March 18, 1911, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 barrels of confectionery, jelly eggs, remaining unsold in the original unbroken packages at Newark, N. J., alleging that the article had been shipped, on March 16, 1911, by Henry Heide, New York, N. Y., and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it was coated with talc.

On August 1, 1916, upon the stipulation of the said Henry Heide, claimant, that his answer theretofore filed might be withdrawn, and that a decree of condemnation and confiscation of said article might be entered, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article should be released to said claimant upon the execution of bond in the sum of $200, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4972. Adulteration of confectionery. U. S. v. S. Fisher & Co., a corporation. Plea of guilty. Fine, $25. (F. & D. No. 2859. I. S. No. 12511–c.)

On November 13, 1911, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against S. Fisher & Co., a corporation, Hoboken, N. J., alleging shipment by said company, in violation of the Food and Drugs Act, on December 31, 1910, from the State of New Jersey into the State of Massachusetts, of a quantity of confectionery which was adulterated. The article was labeled: "200 Soft Boiled Eggs, S. F. & Co. Trade Mark Serial No. 2380."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was coated with talc.

Adulteration of the article was alleged in the information for the reason that it contained talc.

On August 8, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4973. Adulteration of candy. U. S. * * * v. Knorpp Candy Co., a corporation. Plea of guilty. Fine, $20. (F. & D. No. 3090. I. S. No. 11773-c.)

On June 27, 1912, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Knorpp Candy Co., a corporation, Brooklyn, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 18, 1911, from the State of New York into the State of Massachusetts, of a quantity of candy which was adulterated. The article was labeled, in part: "Knorpp's Wholesome Candies."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the candy was coated with an acid-insoluble material, which material on analysis was shown to be talc.

It was alleged in the information that the article was adulterated for the reason that it contained talc.

On November 12, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $20.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4974. Adulteration and misbranding of vanilla extract. U. S. * * * v. Hudson Manufacturing Co., a corporation. Plea of guilty. Fine, $50 and costs. (F. & D. No. 4658. I. S. No. 36707–c.)

On November 14, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hudson Manufacturing Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 21, 1912, from the State of Illinois into the State of Oklahoma, of a quantity of vanilla extract which was adulterated and misbranded. The article was labeled: "Prime Vanilla Extract, Made from the Extractive matter of prime vanilla beans, and sweetened with cane sugar, aged in wood, made by the Hudson Mfg. Co., Chicago, U. S. A."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Vanillin (per cent)	0.16
Coumarin: Absent.	
Resins: Medium.	
Normal lead number	0.20
Alcohol (per cent by volume)	20.40

Adulteration of the article was alleged in the information for the reason that another substance, to wit, an imitation vanilla extract, had been mixed and packed with genuine vanilla extract in such a manner as to reduce and lower and injuriously affect the quality and strength of the genuine vanilla extract, which the article of food aforesaid purported to be, and had been substituted in part for genuine vanilla extract, and further had been substituted wholly for genuine vanilla extract.

Misbranding was alleged for the reason that the statement appearing on the label on the keg containing the article of food aforesaid was false and misleading, and deceived and misled, in that the statement, "Prime Vanilla Extract," represented to the purchaser that the article was genuine vanilla extract, whereas, in truth and fact, it was not, but was an imitation vanilla extract.

On October 19, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4975. Adulteration and misbranding of tincture aconite root, tincture stramonium, acetanilid compound tablets, acetphentidin tablets, nitroglycerin tablets, and neuralgic tablets. U. S. * * * v. A. E. Remick Pharmacal Co., a corporation. Plea of guilty. Fine, $20 and costs. (F. & D. Nos. 5012, 6108. I. S. Nos. 16177-d, 16179-d, 16180-d, 16181-d, 16186-d, 16185-d.)

On March 10, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the A. E. Remick Pharmacal Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 25, 1912, from the State of Illinois into the State of Indiana, of quantities of tincture aconite root, tincture stramonium, acetanilid compound tablets, acetphenetidin tablets, nitroglycerin tablets, and neuralgic tablets, which were adulterated and misbranded. The tincture aconite root was labeled: (On bottle) "Tincture Aconite Root, U. S. P. (Tincture Aconite) 10 Per Cent Strength. Note.—The strength of this tincture has been reduced from 35 Gm. of Aconite in 100 C.c. (Pharmacopoeia, 1890) to 10 Gm. of Aconite in 100 C.C. of 70 per cent alcohol (Pharmacopoeia out in force Sept. 1, 1905). Average Dose 10 minims (0.6 C.c.) Guaranteed by A. E. Remick Pharmacal Co., under the Food and Drugs Act, June 30, 1906. Guarantee No. 22851 Prepared by A. E. Remick Pharmacal Co. Manufacturing Pharmaceutists Chicago, Ill. F. 1207-71."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results:

Aconitine (grams per 100 cc)	0.037
Alcohol (per cent by volume)	68.1

Adulteration of this article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, to wit, tincture aconite root, and the standard of strength of said product differed from the standard of strength as determined by the test laid down in the United States Pharmacopœia, official at the time of investigation, in that the said Pharmacopœia prescribed that each 100 cubic centimeter of the product should contain not less than 0.045 gram of aconitine, whereas, in truth and in fact, it did not contain in 100 cubic centimeters 0.045 gram of aconitine, but contained a much less amount, to wit, 0.037 gram of aconitine.

Misbranding was alleged for the reason that the article was labeled as aforesaid, and the statement, "Tincture Aconite Root U. S. P.," was false and misleading in that the article was sold under and by a name recognized in the United States Pharmacopœia, to wit tincture aconite root, and its standard of strength differed from the standard of strength as determined by the test laid down in the United States Pharmacopœia, official at the time of investigation, in that the said Pharmacopœia prescribed that each 100 cubic centimeters of the product should contain not less than 0.045 gram of aconitine, whereas, in truth and in fact, it did not contain in 100 cubic centimeters 0.045 gram of aconitine, but contained a much less amount, to wit, 0.037 gram of aconitine.

The tincture stramonium was labeled: (On bottle): "Tincture Stramonium U. S. P. (Tincture Stramonii) Stramonium 10 per cent. Diluted alcohol q. s. Average Dose 8 minims (0.5 C.c.) F1207-50 Guaranteed by A. E. Remick Pharmacal Co. under the Food and Drugs Act, June 30, 1906. Guarantee No. 22851 Prepared by A. E. Remick Pharmacal Co. Manufacturing Pharamceutists, Chicago, Ill."

Analysis of a sample of this article by said Bureau of Chemistry showed the following results:

Mydriatic alkaloids (grams per 100 cc)	0.020
Alcohol (per cent by volume)	45.7

Adulteration of this article was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, to wit, tincture stramonium, and its standard of strength differed from the standard of strength as determined by the test laid down in the United States Pharmacopœia, official at the time of investigation, in that the said Pharmacopœia prescribed that each 100 cubic centimeters of the product should contain 0.025 gram of mydriatic alkaloids, whereas, in truth and in fact, it did not contain in 100 cubic centimeters 0.025 gram of mydriatic alkaloids, but contained a much less amount, to wit, 0.020 gram of mydriatic alkaloids.

Misbranding was alleged for the reason that the article was labeled as aforesaid, and the statement, "Tincture Stramonium," was false and misleading in that it was sold under and by a name recognized in the United States Pharmacopœia, to wit, tincture stramonium, and the standard of strength of said product differed from the standard of strength as determined by the test laid down in the United States Pharmacopœia, official at the time of investigation, in that the said Pharmacopœia prescribed that each 100 cubic centimeters of the product should contain 0.025 gram of mydriatic alkaloids, whereas, in truth and in fact, it did not contain in 100 cubic centimeters 0.025 grams of mydriatic alkaloids, but contained a much less amount, to wit, 0.020 gram of mydriatic alkaloids.

The acetanilid compound tablets were labeled: (On bottle): "Compressed Tablets 500 Actanilide Comp. Each tablet contains: Actanilide 3½ grs. Sodium Bicarbonate 1 gr. Caffeine ½ gr. Guaranteed by A. E. Remick Pharmacal Co., under the Food and Drugs Act, June 30, 1906. Guaranty No. 22851. Prepared by A. E. Remick Pharmacal Co. Manufacturing Pharmaceutists Chicago, Ill."

Analysis of a sample of this article by said Bureau of Chemistry showed the following results:

Acetanilid (grains per tablet)	2.77
Caffeine (grains per tablet)	0.426

Adulteration of this article was alleged for the reason that it was sold under the following professed standard of strength, to wit, "Acetanilide 3½ grs. Caffeine ½ gr. per tablet," whereas, in truth and in fact, the standard of strength of said product fell below the professed standard of strength under which it was sold in that it did not contain 3½ grains of acetanilid and ½ grain of caffeine per tablet, but contained a much less amount, to wit, 2.77 grains of acetanilid and 0.426 grain of caffeine per tablet.

Misbranding was alleged for the reason that the article was labeled as aforesaid, and the statement, to wit, "Acetanilide 3½ grs. Caffeine ½ gr.", was false and misleading in that said statements purported to state that the product contained 3½ grains of acetanilid and ½ grain of caffeine, whereas, in truth and in fact, it did not, but contained a much less amount, to wit, 2.77 grains of acetanilid and 0.426 grain of caffein.

The acetphenetidin tablets were labeled: (On bottle) "Compressed Tablets 500 Acetphenetidin U.S.P. Each tablet contains 2 grains Guaranteed by A. E. Remick Pharmacal Co., under the Food and Drugs Act, June 30, 1906. Guaranty No. 22851. Prepared by A. E. Remick Pharmacal Co. Manufacturing Pharmaceutists Chicago, Ill."

Analysis of a sample of this article by said Bureau of Chemistry showed the following result:

Acetphenetidin (grains per tablet)	1.47

Adulteration of this article was alleged for the reason that it was sold under the following professed standard of strength, to wit, "Acetphenetidin 2 grains per tablet", whereas, in truth and in fact, the standard of strength of said

product fell below the professed standard of strength under which it was sold in that it did not contain 2 grains per tablet of acetphenetidin, but contained a much less amount, to wit, 1.47 grains of acetphenetidin per tablet.

Misbranding was alleged for the reason that the article was labeled as aforesaid, and the statement, to wit, "Acetphenetidin 2 grains per tablet", was false and misleading in that the said statements purported to state that the product contained 2 grains of acetphenetidin per tablet, whereas, in truth and in fact, it did not, but contained a much less amount, to wit, 1.47 grains of acetphenetidin per tablet.

The nitroglycerin tablets were labeled: (On bottle) "1000 Tablet Triturates Nitroglycerin 1-100 grain. Guaranty No. 22851. Prepared by A. E. Remick Pharmacal Co. Manufacturing Pharmaceutists, Chicago, Illinois."

Analysis of a sample of this article by said Bureau of Chemistry showed the following result:

Nitroglycerin (grains per tablet)	0.0026

Adulteration of this article was alleged in the information for the reason that it was sold under the following professed standard of strength, to wit, "Nitroglycerin 1-100 grain per tablet", whereas, in truth and in fact, the standard of strength of said product fell below the professed standard of strength under which it was sold in that it did not contain 1-100 grain per tablet of nitroglycerin, but contained a much less amount, to wit, 0.0026 grain of nitroglycerin per tablet.

Misbranding was alleged for the reason that the article was labeled as aforesaid, and the statement, to wit, "1000 Tablet Triturates Nitroglycerin 1-100 grain," was false and misleading in that the statement purported to state that the product contained 1-100 of a grain of nitroglycerin per tablet, whereas, in truth and in fact, it did not, but contained a much less amount, to wit, 0.0026 grain of nitroglycerin per tablet.

The neuralgic tablets were labeled: (On bottle) "500 Sugar Coated Tablets Neuralgic Gross Morphine Sulphate, 1-20 gr. Quinine Sulphate, 2 grs. Arsenic Trioxide, 1-20 gr. Ext. Aconite Leaves, 1-2 gr. Strychnine, 1-30 gr. Guaranteed by: A. E. Remick Pharmacal Co., under the Food and Drugs Act, June 30, 1906. Guaranty No. 22851. Prepared by A. E. Remick Pharmacal Co., Manufacturing Pharmaceutists, Chicago, Ill."

Analysis of a sample of this article by said Bureau of Chemistry showed the following result:

Total alkaloid (calculated as quinine sulphate) (grains per tablet)	1.34

Adulteration of the article was alleged for the reason that it was sold under the following professed standard of strength, to wit: "Quinine Sulphate 2 grs. per tablet," whereas, in truth and in fact, the standard of strength of said product fell below the professed standard of strength under which it was sold in that it did not contain 2 grains of quinine sulphate per tablet but contained a much less amount, to wit, 1.34 grains quinine sulphate per tablet.

Misbranding was alleged for the reason that the article was labeled as aforesaid, and the statement, to wit, "Quinine Sulphate 2 grs. per tablet," was false and misleading in that the statement purported to state that the article contained 2 grains of quinine sulphate per tablet, whereas, in truth and in fact, it did not, but contained a much less amount, to wit, 1.34 grains of quinine sulphate per tablet.

On October 16, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $20 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4976. Adulteration and misbranding of "Peppermint Dash." U. S. * * * v. Wm. J. Stange Co., a corporation. Plea of guilty. Fine, $10 and costs. (F. & D. No. 5057. I. S. No. 6004–d.)

On March 10, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Wm. J. Stange Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on March 28, 1912, from the State of Illinois into the State of Tennessee, of a quantity of "Peppermint Dash," which was adulterated and misbranded. The article was labeled, in part: "Peppermint Dash * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Oil, by Mitchell-Howard method: None.	
Solids (per cent by weight)	0.20
Color: Tartrazin.	
Ethyl alcohol (per cent by volume)	2.35
Methyl alcohol (per cent by volume)	14.65

It was alleged in the information that the article was adulterated for the reason that a substance, to wit, an imitation peppermint product containing no peppermint oil, which said peppermint oil is an essential ingredient of a peppermint product, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly for a genuine peppermint product, which it purported to be; further, in that the article had been colored in a manner whereby its inferiority was concealed; and further, in that it consisted of an imitation peppermint product containing wood alcohol, which was an added poisonous and deleterious ingredient, which might render the article injurious to health.

Misbranding was alleged for the reason that the statement on the label was false and misleading and deceived and misled in that the statement, "Peppermint Dash," represented to the purchaser that the article was a peppermint product, whereas, in truth and in fact, it was not, but was an imitation peppermint product, containing no peppermint oil, which is an essential ingredient of a peppermint product.

On October 16, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $10 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4977. Adulteration and misbranding of acetphenetidin tablets, aspirin tablets, essence of pepsin, tinctura aconiti, tinctura cinchonae, tinctura nucis vomicae, nitroglycerin tablets, and linimentum camphorae. U. S. * * * v. Truax, Greene & Co., a corporation. Plea of guilty. Fine, $200 and costs. (F. & D. Nos. 5082, 5176. I. S. Nos. 20992-d, 20995-d, 20991-d, 20976-d, 20989-d, 20994-d, 20977-d, 20983-d.)

On March 10, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Truax, Greene & Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 7, 1912, from the State of Illinois into the State of Indiana, of a quantity of acetphenetidin tablets, aspirin tablets, essence of pepsin, tinctura aconiti, tinctura cinchonae, tinctura nucis vomicae, nitroglycerin tablets, and linimentum camphorae, which were adulterated and misbranded. The acetphenetidin tablets were labeled: (On bottle) "Compressed Tablets 500 Acetphenetidin U. S. P. 5 gr. Guaranteed under the Food and Drugs Act, June 30, 1906. Serial No. 1222. Truax, Greene & Co. Chicago."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following result:

Acetphenetidin (grains per tablet)---------- 4.196

Adulteration of the article was alleged in the information for the reason that said product fell below the professed standard of strength under which it was sold, in that the statement, "Compressed Tablets 500 Acetphenetidin U. S. P. 5 gr.," purported to state the standard of strength of said product to be 5 grains acetphenetidin per tablet, whereas, in truth and in fact, said product fell below the professed standard of strength under which it was sold, in that it did not contain 5 grains acetphenetidin per tablet, but did contain a much less amount, to wit, 4.196 grains acetphenetidin per tablet.

Misbranding was alleged for the reason that the statement, to wit, "Compressed Tablets 500 Acetphenetidin U. S. P. 5 gr.," was false and misleading in that said statement purported to state that the product contained 5 grains acetphenetidin per tablet, whereas, in truth and in fact, it did not contain 5 grains acetphenetidin per tablet, but contained a much less amount of acetphenetidin per tablet.

The aspirin tablets were labeled: (On bottle) "Compressed Tablets 1000 Aspirin 5 Grains Manufactured in Laboratories of Truax, Greene & Co. 171-73-75 N. Wabash Ave. Chicago.—Hancock, R. Ph. Guaranteed under the Food and Drugs Act, June 30, 1906, Serial No. 1222. 2585."

Analysis of a sample of the article by said Bureau of Chemistry showed the following result:

Aspirin (grains per tablet)---------- 4.16

Adulteration of the article was alleged in the information for the reason that the said product fell below the professed standard of strength under which it was sold, in that the statement, "Compressed Tablets 1000 Aspirin 5 Grains," purported to state the standard of strength of said product to be 5 grains aspirin per tablet, whereas, in truth and in fact, the said product fell below the professed standard of strength under which it was sold, in that it did not contain 5 grains of aspirin per tablet, but contained a much less amount, to wit, 4.16 grains per tablet.

Misbranding was alleged for the reason that the statement, to wit, "Compressed Tablets 1000 Aspirin 5 Grains," was false and misleading in that said statement purported to state that the product contained 5 grains aspirin per

tablet, whereas, in truth and in fact, it did not contain 5 grains aspirin per tablet, but a much less amount of aspirin per tablet.

The essence of pepsin was labeled: (On bottle) "Essentia pepsini, N. F. Essence of Pepsin 10 per cent Alcohol. Each fluid ounce contains 10 grains of pure pepsin. (U. S. P.) with Rennin and Lactic Acid, Glycerin, Syrup and White Wine. Digestant. Average Dose—8 C. c. (2 fluid-drachms) Guaranteed under the Food and Drugs Act, June 30, 1906. Serial number 1222. Truax, Greene & Co., Chicago." (Illegible stamp.)

Analysis of a sample of the article by said Bureau of Chemistry showed the following result:

U. S. P. pepsin (grains to the fluid ounce)..... 4.56

Adulteration of the article was alleged in the information for the reason that the said product fell below the professed standard of strength under which it was sold, in that the statement, "Essence of Pepsin 10 per cent Alcohol. Each fluid ounce contains 10 grains of pure pepsin," purported to state the standard of strength of said product to be 10 grains pure pepsin per fluid ounce, whereas, in truth and in fact, the said product fell below the professed standard of strength under which it was sold, in that it did not contain 10 grains pure pepsin per fluid ounce, but contained a much less amount of pepsin per fluid ounce, to wit, 4.56 grains of pepsin per fluid ounce.

Misbranding was alleged for the reason that the statement, "Essence of Pepsin 10 per cent Alcohol. Each fluid ounce contains 10 grains of pure Pepsin," was false and misleading in that said statement purported to state that the product contained 10 grains of pure pepsin per fluid ounce, whereas in truth and in fact it did not, but did contain a much less amount.

The tinctura aconiti was labeled: (On bottle) "Poison Tinctura Aconiti U. S. P. Eighth Revision Menstrum 75 per cent. Alcohol, Standard 0.045 per cent. of Aconitine. Dose—3 to 10 minims (0.20—1 C. c.) Guaranteed under the Food and Drugs Act, June 30, 1906. Serial number 1222. Truax, Greene & Co. Chicago.—D. Palmer."

Analysis of a sample of the article by said Bureau of Chemistry showed the following results:

Alcohol (per cent by volume)..... 60.1
Aconitine (grams per 100 cc)..... 0.03

Adulteration of the article was alleged in the information for the reason that the said product was sold under and by a name recognized in the United States Pharmacopœia, to wit, tinctura aconiti, and the standard of strength of the said product different from the standard of strength as determined by the test laid down in the United States Pharmacopœia, official at the time of investigation, in that the said pharmacopœia prescribed that each 100 cubic centimeters of the said product should contain not less than 0.045 gram of aconitine, whereas in truth and in fact the said product did not contain 0.045 gram of aconitine in each 100 cubic centimeters of said product, but contained a much less amount of aconitine, to wit, 0.031 gram of aconitine.

Misbranding was alleged for the reason that the statement, "Tincture Aconiti U. S. P. Eighth Revision," was false and misleading in that the product was sold under and by a name recognized in the United States Pharmacopœia, to wit, tinctura aconiti, and the standard of strength of the product differed from the standard of strength as determined by the test laid down in the United States Pharmacopœia, official at the time of investigation, in that the said Pharmacopœia, prescribed that each 100 cubic centimeters of said product should contain not less than 0.045 gram of aconitine, whereas in truth and in

fact the said product did not contain 0.045 gram of aconitine, but contained a much less amount, to wit, 0.031 gram of aconitine. Misbranding was alleged for the further reason that the statement, "75 per cent. Alcohol," did not state the proportion of alcohol present in said product in the size of type, to wit, 8-point (brevier) capitals, required by paragraph (c) of regulation 17 of the Rules and Regulations for the Enforcement of the Food and Drugs Act.

The tinctura cinchonae was labeled: (On bottle) "Tinctura Cinchonae U. S. P. Eighth Revision Contains 65 per cent alcohol. Standard 0.75 per cent. of anhydrous ether-soluble Alkaloids of Cinchona. Dose ½ to 2 drachms (2–8 c. c.) Guaranteed by Truax, Greene & Co., under the Food and Drugs Act, June 30, 1906. Serial number 1222. Truax, Greene & Company, Manufacturers and Jobbers of Physicians and Hospital Supplies. Chicago, U. S. A. A. D. Palmer, E. Ph."

Analysis of a sample of the article by said Bureau of Chemistry showed the following results:

Anhydrous ether-soluble alkaloids (grams per 100 cc)	0.472
Alcohol (per cent by volume)	62

United States Pharmacopœia requires 75 grams anhydrous ether-soluble alkaloids, there being about 37 per cent shortage.

Adulteration of the article was alleged in the information for the reason that the said product was sold under and by a name recognized in the United States Pharmacopœia, to wit, tinctura cinchonae, and the standard of strength of said product differed from the standard of strength as determined by the test laid down in the said Pharmacopœia, official at the time of investigation, in that the said Pharmacopœia prescribed that each 100 cubic centimeters of the product should contain not less than 0.75 gram of anhydrous ether-soluble alkaloids, whereas in truth and in fact the said product did not contain 0.75 gram of anhydrous ether-soluble alkaloids in each 100 cubic centimeters thereof, but contained a much less amount, to wit, 0.472 gram of anhydrous ether-soluble alkaloids in each 100 cubic centimeters.

Misbranding was alleged for the reason that the statement, "Tinctura Cinchonae U. S. P. Eighth Revision Contains 65 per cent alcohol, Standard 0.75 per cent. of anhydrous ether-soluble Alkaloids of Cinchona," was false and misleading in that the said product was sold under and by a name recognized in the United States Pharmacopœia, to wit, "Tinctura Cinchonae," and the standard of strength of said product differed from the standard of strength as determined by the test laid down in the United States Pharmacopœia, official at the time of investigation, in that the said Pharmacopœia prescribed that each 100 cubic centimeters of the product should contain not less than 0.75 gram of anhydrous ether-soluble alkaloids, whereas, in truth and in fact, said product did not contain 0.75 gram of anhydrous ether-soluble alkaloids in each 100 cubic centimeters thereof, but contained a much less amount, to wit, 0.472 gram of ether-soluble alkaloids in each 100 cubic centimeters. Misbranding was alleged for the further reason that the statement, "65 per cent alcohol," did not state the proportion of alcohol present in said product in the size of type, to wit, 8-point (brevier) capitals, required by paragraph (c) of regulation 17, of the Rules and Regulations for the Enforcement of the Food and Drugs Act.

The tinctura nucis vomicae was labeled: "Tinctura Nucis Vomicae—Poison. U. S. Eighth Revision. Contains 72 per cent. Alcohol. Standard—0.1 per cent. of Strychnin. Dose—5 to 20 minims. (0.30—1.30 C. c.) Trade Mark (Monogram) T. G. Co. Manufactured in Laboratories of Truax, Greene & Co. 171–73–75 N. Wabash Ave., Chicago, Ill. Guaranteed by Truax, Greene & Co., under the Food and Drugs Act, June 30, 1906. Serial No. 1222. 59655."

Analysis of a sample of the article by said Bureau of Chemistry showed the following results:

Strychnine (per cent)	0.063
Alcohol (per cent by volume)	62.3

Adulteration of the article was alleged in the information for the reason that said product was sold under the following professed standard of strength, to wit, "0.1 per cent. of Strychnin," whereas, in truth and in fact, the standard of said product fell below the professed standard of strength under which it was sold, in that it did not contain 0.1 per cent of strychnine, but contained a much less amount of strychnine, to wit, 0.063 per cent of strychnine.

Misbranding was alleged for the reason that the statement, to wit, "0.1 per cent. of Strychnin," was false and misleading, in that said statement purported to state that the product contained 0.1 per cent of strychnine, whereas, in truth and in fact, it did not contain 0.1 per cent of strychnine, but contained a much less amount, to wit, 0.063 per cent of strychnine. Misbranding was alleged for the further reason that the statement, "72 per cent. Alcohol," did not state the proportion of alcohol present in said product in the size of type, to wit, 8-point (brevier) capitals, required by paragraph (c) of regulation 17, of the Rules and Regulations for the Enforcement of the Food and Drugs Act.

The nitroglycerin tablets were labeled: (On bottle) "Tablet Triturates 2000 Nitroglycerin 1-100 Gr. Guaranteed under the Food and Drugs Act, June 30, 1906. Serial Number 1222. Truax, Greene & Co. Chicago. Wm. B. Hancock."

Analysis of a sample of the article by said Bureau of Chemistry showed the following result:

Nitroglycerin (grains per tablet)	0.006

Adulteration of the article was alleged in the information for the reason that the said product was sold under the following professed standard of strength, to wit, "Nitroglycerin 1-100 Gr.," per tablet, whereas, in truth and in fact, the standard of strength of the product fell below the professed standard of strength, in that the said product did not contain 1-100 grain of nitroglycerin per tablet, but contained a much less amount, to wit, 0.006 grain of nitroglycerin per tablet

Misbranding was alleged for the reason that the statement, "Tablets Triturates 2000 Nitroglycerin 1-100 Gr.," was false and misleading in that said statement purported to state that the product contained 1-100 grain of nitroglycerin per tablet, whereas, in truth and in fact, it did not, but did contain a much less amount, to wit, 0.006 grain of nitroglycerin per tablet.

The linimentum camphorae was labeled: (On bottle) "Linimentum Camphorae, U. S. P. (Camphor liniment) Contains 20 per cent. Camphor gum dissolved in Cotton-seed Oil. Camphorated Oil may be employed for the relief of sprains, bruises and rheumatic pains, and as mild counter-irritant in bronchitis." (monogram) "TGCo. Trade Mark, Manufactured in Laboratories of Truax, Greene & Co. 171-73-75 N. Wabash Ave. Chicago, Ill. Guaranteed by Truax, Greene & Co., under the Food and Drugs Act, June 30, 1906. Serial No. 1222."

Analysis of a sample of the article by said Bureau of Chemistry showed the following result:

Camphor (per cent)	14.65

Adulteration of the article was alleged in the information for the reason that the product was sold under and by a name recognized in the United

States Pharmacopœia, to wit, linimentum camphorae, and the standard of strength of said product differed from the standard of strength as determined by the test laid down in the United States Pharmacopœia, official at the time of investigation, in that the said Pharmacopœia prescribed that the said product should contain not less than 20 per cent of camphor, whereas, in truth and in fact, it did not, but did contain a much less amount, to wit, 14.65 per cent of camphor.

Misbranding was alleged for the reason that the statement, "20 per cent. Camphor gum," was false and misleading in that said statement purported to state that the product contained 20 per cent of camphor, whereas, in truth and in fact, it did not, but a much less amount.

On February 11, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $200 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4978 (Supplement to Notice of Judgment 4330.) Adulteration and misbranding of cider. U. S. v. Jacob Shucart (National Bottling Co.). Retrial to the court and a jury. Verdict of guilty. Fine, $400 and costs. (F. & D. No. 5486. I. S. No. 36262-e.)

On May 8, 1916, the case of the United States *v.* Jacob Shucart, doing business under the name of the National Bottling Co., St. Louis, Mo., involving the shipment of a quantity of cider, which was alleged to be adulterated and misbranded, having come on for retrial by the court and jury, after the submission of evidence and arguments by counsel, the court delivered its charge to the jury and a verdict of guilty was returned, whereupon the court imposed a fine of $200 on each of two counts of the information, making an aggregate fine of $400 with the costs of the proceedings.

On May 9, 1916, defendant by his counsel filed his motion for a new trial and in arrest of judgment, which was overruled by the court, whereupon the defendant filed his petition for a writ of error and assignment of errors, which writ was allowed, and the case was carried on said writ of error in the United States Circuit Court of Appeals for the Eighth Circuit. On May 10, 1917, the writ of error was dismissed by stipulation of the parties, and thus the judgment of the lower court stands confirmed.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4979. Adulteration and misbranding of brandy. U. S. * * * v. Leo Simon and Fanny Brunhild (Brunhild, Simon & Co.). Plea of guilty. Fine, $25. (F. & D. No. 5522. I. S. No. 3232-k.)

On April 28, 1916, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Leo Simon and Fanny Brunhild, trading as Brunhild, Simon & Co., Philadelphia, Pa., alleging shipment by said defendants, in violation of the Food and Drugs Act, on March 24, 1915, from the State of Pennsylvania into the State of New Jersey of a quantity of brandy which was adulterated and misbranded. The article was labeled, in part: "A compound of Brandy and Grain distillate * * * Cal. Brandy."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results, expressed as grams per 100 liters to 100 proof, unless otherwise indicated:

Proof (degrees)	88.2
Acidity as acetic	19.0
Fusel oil	24.9
Esters	10.0
Aldehydes	1.4
Furfural	0.3

These results show the addition of a considerable portion of neutral spirits.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, neutral spirits, had been substituted, wholly or in part, for California brandy, which the article purported to be.

Misbranding was alleged for the reason that the following statement regarding the article and the ingredients and substances contained therein appearing on the commercial end of the keg, to wit, "* * * Cal. Brandy," not corrected by the additional statement on the opposite end of the barrel, to wit, "A compound of Brandy and Distillate," was false and misleading in that it indicated to purchasers thereof that the article consisted wholly of California brandy, and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that the said article consisted wholly of California brandy, when, in truth and in fact, it did not, but did consist of, to wit, a mixture of California brandy and neutral spirits.

On May 10, 1916, the defendants filed their motion to quash the information, which motion was denied, as will more fully appear from the following opinion by the court (Dickinson, *J.*):

The district attorney, in his official capacity, instituted proceedings against the defendant for a violation of the food and drugs statues through and by an information. The defendant has moved to quash the proceedings because, as is averred, they did not in actual fact have the previous sanction of an allowance by the court. In every proceeding, whether criminal or civil, before the cause can be determined by a court and judgment go against the defendant, the court must have jurisdiction of the subject matter and of the person of the defendant. The first is necessary because the court can not proceed to render judgment unless vested with the lawful power and authority to do so. The second is necessary in order to meet the requirement of justice that both sides shall be heard. Although, therefore, jurisdiction of the subject matter may exist, some process must be resorted to in order to bring the defendant into court. This process, it is clear, must be a lawful process in the sense that it must be such as the law recognizes as sufficient to justify the finding that the parties whose rights are to be adjudged are before the court with the opportunity to be heard. Hence we have provisions made for forms of writs and the manner of service. The established practice of the courts supplies us with information of what these provisions are. The sanction or authority for some of

them is to be found in statutes; for others their accepted usage in a long established practice or in the recognition of the inherent power of the courts to adopt and issue appropriate writs of process. In criminal procedure against individuals several modes of bringing the defendant to trial have come to be well known and accepted as usual and because of this, regular. They are all followed by a trial in open court. One is by a complaint, followed successively by a warrant of arrest, a preliminary hearing before a magistrate, and an indictment by a grand jury. Another is by the presentment of a grand jury followed by the issuance of a bench warrant without the preliminary complaint and hearing. Still another is an information emanating from the official representative of the sovereign power in lieu of the other procedure preceding the indictment. In the course of time some of these processes, although recognized as lawful in the sense of being authorized by law, were or were thought to be at least fraught with the possibility of abuse resulting in oppression. Out of this sprang the provisions of the Constitution of the United States and like provisions of the constitutions of different States. The practice of the courts must, of course, yield to these mandates. The practice followed in the instant case must therefore meet these two tests. It must be in accord with recognized procedure and it must not be within the inhibitions of the Federal Constitution.

The legal literature of the subject supplies us with a rich mine of learning, an opening into which is afforded by the opinion in Weeks *v.* U. S., 216 Fed. Rep., 292. Into this, however, we need not delve further than to extract the fact that prosecutions by information have long had a recognized place in criminal procedure. This narrows the inquiry into the constitutional provisions. It is clear that they are directed against arrests and seizures, and because of this have no application to the case before us. In form, informations proceed with the leave of court. Whether this leave is made formal or actual is a matter of practice to be regulated by the courts. Actual leave may be exacted, or it may be permitted to be assumed, unless and until challenged. The latter we think to be the established practice, and to be on the whole the better practice, because it leaves the propriety of the proceeding to be determined on its merits. The distinction between proceedings in which the sovereign is directly concerned and those which directly concern private persons is of doubtful practical value. It narrows and limits the control of the courts over its process by shifting the inquiry from the broad one of whether the proceeding should go on to a narrow inquiry into the mere nature of the offense charged.

The practice adopted, as we are informed, in the western district of this circuit of requiring actual leave before permitting informations to be filed presents certain advantages, as does the practice followed in other jurisdictions of permitting leave to be assumed until challenged, but each comes in the end to be the same.

We find no abuse of process in the present case and no reason to revoke the leave, by virtue of which the information purports to have been filed.

The motion to quash is denied.

On December 11, 1916, the defendants entered pleas of guilty to the information, and the court imposed a fine of $25.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4980. Adulteration and misbranding of fluid extract cinchona. U. S. * * * v. The G. F. Harvey Co., a corporation. Tried to the court and a jury. Verdict of guilty. Fine, $200. (F. & D. No. 5388. I. S. No. 1649–e.)

On February 19, 1914, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, an information against the G. F. Harvey Co., a corporation, Saratoga Springs, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 8, 1912, from the State of New York into the State of New Jersey, of a quantity of an article labeled, in part, "Fluid Extract Cinchona," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following result:

Anhydrous ether-soluble alkaloids (grams per 100 cc)_____ 2.97

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, to wit, fluid extract of cinchona, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said Pharmacopœia, official at the time of the investigation and shipment of said article, in that said Pharmacopœia specifies that fluid extract of cinchona shall contain 4 grams of anhydrous ether-soluble alkaloids from cinchona per 100 cc, whereas said article did not contain said amount of anhydrous ether-soluble alkaloids from cinchona per 100 cc, but did contain a less amount of said alkaloids, to wit, 2.97 grams per 100 cc.

Misbranding was alleged for the reason that the statement, to wit, "Fluid Extract Cinchona," borne on the label, was false and misleading, in that it purported and represented to purchasers that said article was fluid extract of cinchona, a product well known to contain 4 grams of anhydrous ether-soluble alkaloids from cinchona per 100 cc, whereas, in fact, it was not, but was a so-called fluid extract of cinchona containing a less amount of anhydrous ether-soluble alkaloids from cinchona per 100 cc, to wit, 2.97 grams of said alkaloids per 100 cc.

On June 21, 1916, the case having come on for trial before the court and jury, after the submission of evidence and arguments by counsel, the following charge was delivered to the jury by the court (Ray, *D. J.*):

Gentlemen of the jury, this trial has occupied many days and I have allowed to the defendant considerable latitude to the end that every question involved might be fully and fairly presented to the court and to the jury. However, the questions involved are narrowel so far as you are concerned to one, and that question is, Did the defendant, The G. F. Harvey Co., on or about the 8th day of November, 1912, deliver for shipment in interstate commerce from the city of Saratoga Springs in the State of New York consigned to C. B. Smith & Co. at Newark, in the State of New Jersey, three 1-pint bottles containing an article designed and intended to be used as a drug and which was labeled, marked, and branded as described in the information, viz, "This preparation contains not more than 68 per cent alcohol by volume. Assayed. Fluid extract cinchona, yellow cinchona calisaya, Weddell. 12312, 88405. Dose, 15 to 60 minims. The G. F. Harvey Co.," and did this fluid extract so offered for shipment in interstate commerce by the defendant differ from the standard of strength, quality, or purity as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of shipment, when the offense, if any, was committed?

It is conceded by the defendant by stipulation in writing and in evidence that the defendant is a corporation organized and existing under by virtue of the laws of the State of New York and that its office and principal place of business is Saratoga Springs in the Northern District of New York. That on or

about the 8th day of November, 1912, the defendant did ship from the city of Saratoga Springs in the State of New York to C. B. Smith & Co. of Newark, N. J., a consignment consisting of three 1-pint bottles containing a liquid designed and intended to be used as a drug and which bottles were then and there designated as to the contents thereof and labeled, marked, and branded as set forth in the information in this case and which label and brand I have already recited. It is also stipulated and conceded and admitted by the defendant that the samples of this consignment consisting of the three bottles taken were sold by the said C. B. Smith & Co. to Herman Lind, an inspector of the United States Department of Agriculture, after being properly marked and identified by him with the marks, "I. S. No. 1649-e," and that no change was made in said samples of three bottles from the time the same was sold and shipped in interstate commerce by the defendant to said C. B. Smith & Co. up to the time the same was sold and delivered by that company to said Lind.

The evidence shows without contradiction, so far as any evidence has been given on the subject, that Lind, an inspector of the United States Department of Agriculture, turned these three bottles of this mixture, fluid extract of cinchona over to the Department of Agriculture at Washington, D. C., with seals, etc., unbroken, except as to one bottle which was assayed or tested by Mr. Darling, another employee of the Department of Agriculture, in the State of New York, for the purpose of determining whether or not it was up to standard. The evidence also shows that one of the bottles of fluid extract so purchased of C. B. Smith & Co. and shipped to that company by the defendant was returned with the seal, etc., unbroken to the defendant here so as to enable it to make an examination as to its strength, quality, etc. The other two bottles were retained by the United States and one of same has been produced in court. The evidence shows or tends to show that both bottles retained by the Government were examined and tested by it and that one of them has been broken, lost, or destroyed without fault on the part of anyone. On being tested and examined in the manner prescribed and pointed out by law the Government contends that the two bottles examined, tested, and assayed by it shows that the composition or fluid extract contains only, in round numbers, three-quarters of the essential ingredients of such a mixture and that it was therefore far below the required standard and was adulterated within the meaning of the Pure Food and Drugs Act of June 30, 1906, as subsequently amended and as in force at the time of the sale and shipment mentioned. Two different chemists of experience and connected with the Department of Agriculture at Washington, D. C., Mr. Darling and Mr. Wright tested and analyzed these two bottles and they have given the contents as to the essentials as follows: Darling, first trial, 2.97 grams, second trial, 2.95 grams; Mr. Wright, first sample, 2.87 grams; second sample, 2.99 grams; third sample, 2.84 grams per 100 cubic centimeters, when under the law it should have contained 4 grams per 100 cubic centimeters of the anhydrous ether soluble alkaloids from cinchona.

The standard required by the law is 4 grams for the ingredients to which attention has just been called.

The third bottle which was returned to the defendant was examined and analyzed it is claimed by Mr. Ellery, a chemist of the Union College at Schenectady, N. Y., and he found that it contained the following of the essentials referred to, viz, first sample, 3.786 grams; second sample, 3.902 grams; third sample, 3.766 grams per 100 cubic centimeters.

He says he took three samples from the bottle and made three separate tests and that the results were as stated.

This test made by this professor of chemistry employed by the defendant company shows, as you will readily see, that the samples or bottle of this compound or fluid extract tested by him contained less of the essential substances than is required by the standard set up in the statute. Prof. Grose says he tested the contents and found: First test, 3.9 grams, and second test, 4.1 grams. But this was made last Wednesday, the 14 of this month, and that the fluid extract had undergone changes.

The Government further contends that this bottle or these bottles of fluid extract so sold and shipped by the defendant, and which were but a part of a larger quantity, were not manufactured, compounded, and put up as they should have been to insure the required and necessary degree of strength as pertains to the essential ingredients and that the result was necessarily an inferior quality which differed considerably from the standard. The Government further contends that when this fluid extract had been run through the percolator at the factory of the defendant it was found by the defendant itself and known to it

that the fluid extract fell short of the standard and that offering it for sale and shipping it in interstate commerce at that strength would have been a plain violation of the statute and would have subjected the defendant to the fines and penalties prescribed by law.

The Government contends that thereupon the defendant undertook to remedy the defect by putting into the mass of fluid extract in one receptacle or container a quantity of quinine and cinchonidine in powdered form and stirring it in with a stick and that this mode of manufacture, thereby attempting to bring the fluid extract up to the standard required, was not sufficient and did not, in its results, bring the fluid extract up to the required standard. The Government says that even if the requisite amount of powdered quinine and cinchonidine was put in in the powdered form and stirred in with a stick that it was not properly distributed through the mass and dissolved and that while some portions thereof might contain enough, other portions would be liable to be deficient, and that, therefore, the fluid extract of cincohona put upon the market and sold in interstate commerce by the defendant at the time mentioned was adulterated within the meaning of the law in that it failed to come up to the standard; that is, that this drug was sold under or by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as to ingredients mentioned, as determined by the test laid down in the United States Pharmacopœia official at the time of investigation or shipment. That it also lacked some of the anhydrous ether soluble alkaloids, as only two were added when several were required.

The law itself, gentlemen of the jury, determines what shall be deemed a drug within the meaning of the law, and also determines when a drug shall be deemed to be adulterated.

By section 2 of the act of Congress referred to it is provided that the introduction into any State from any other State of any drug which is adulterated or misbranded within the meaning of the act is hereby prohibited; and that any person who shall ship or deliver for shipment from any State to any other State any such adulterated or misbranded drug shall be guilty of a misdemeanor and fined not exceeding $200 for the first offense.

By section 6 of the act to which attention has been called it is provided that the term "drug" as used in this act shall include all medicines and preparations recognized in the United States Pharmacopœia for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals. There is no question, gentlemen, or dispute that this fluid extract in question here is a drug within the meaning of the law.

By section 7 of the law to which I have called your attention it is declared when and under what circumstances an article or drug is deemed to be adulterated, and section 7 declares in express terms that "for the purposes of this act an article shall be deemed to be adulterated; Drugs. In the case of drugs; difference from recognized standard; statement on bottle, box, etc., as to different standard.

"First, if, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation: *Provided*, That no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

"Below professed standard.

"Second, if its strength or purity shall fall below the professed standard or quality under which it is sold."

In this case, gentlemen of the jury, there is no pretense or claim that the standard of strength, quality, or purity was plainly stated upon the bottles, boxes, or other containers of this fluid extract, and for that reason, as it was not made known what the standard of strength, quality, or purity was, it becomes a simple question in this case whether or not, as determined by the test laid down in the United States Pharmacopœia, this fluid extract did differ essentially from the standard of strength, quality, and purity as to the essentials to which I have called your attention as determined by that test. That this fluid extract was up to the quality required by law when or as determined

by some other test than that laid down in the United States Pharmacopœia would constitute no defense if not up to the standard required by the test prescribed by law. The law is somewhat exacting, but it is the law nevertheless and provides in express terms that this fluid extract cinchona, yellow cinchona calisaya, must not differ from the standard of strength, quality, or purity required, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of the investigation, meaning time of shipment. That is, the one that was official at the time these samples were taken and the shipment was made.

This law, gentlemen, was enacted for a purpose, or for purposes, and one of the purposes was to keep adulterated drugs out of interstate commerce and to insure to the purchaser and user of the drug shipped in interstate commerce an article that was up to and which complied with the standard prescribed by law. This would insure the purchaser and user of these drugs shipped in interstate commerce against fraud and imposition and would give to the purchaser that which he purchased and which he understood he was purchasing, and it would insure to the physician who prescribed it to a patient, or who would use it in other compounds that he was giving to the patient, or putting into the medicinal compound just what he supposed he was putting in and just what the needs and conditions of the patient required. When an article of this kind, like fluid extract of cinchona, is purchased in the market, having been shipped in interstate commerce, with this law in force the purchaser has the right to assume that he is receiving a preparation of a certain well-defined strength, quality, or purity, as the case may be, and neither he as a user, nor the physician, nor the druggist who gives it to others is under any obligation to make tests for themselves but may rely to an extent at least upon the article being of the strength, quality, or purity fixed by this standard. The manufacturer who compounds them and puts them on the market in interstate commerce is bound at his or its peril to see to it that they are up to the standard fixed by law not only when made and shipped but are so compounded and put up for sale that they will be of the required standard when shipped in interstate commerce for sale to the consumer or user.

This law, gentlemen, assures to the user and consumer and to the physician in a degree not only a safeguard in the respects to which I have called your attention, which may affect the health of the patient and have to do with his proper treatment, but that he gets his money's worth; that is, what he pays for. It is not for you, gentlemen of the jury, or for this court to question either the propriety or the wisdom of this law. It is the law of the land, and if violated by this defendant, and you are so satisfied beyond a reasonable doubt, then it is your duty to so say by your verdict. The court has no alternative. It is its duty to instruct you as to the law as it finds it. In the opinion of this court this was and is a wise and a necessary law, and, gentlemen, it is not necessary for the Government to show the adulteration here complained of was deleterious and injurious to the health of the user and consumer.

There is no question of intent, gentlemen, involved in this case. No question, necessarily, of evil mind or purpose. It is not a question whether or not the defendant *intended* to comply with the law, but whether it *did* comply with the law. It is no defense to the charge contained in this information that this defendant intended to bring this fluid extract of cinchona up to the required standard and supposed and honestly believed it had done so when it sold and shipped the same in interstate commerce, if you find that it was in fact below the standard required—that is, not up to the standard required by the law. In this case, as in all cases of this character, it being a criminal charge, the defendant is presumed to be innocent until proven guilty beyond a reasonable doubt. Hence the burden of proof was upon the Government to establish that this fluid extract of cinchona in question here was below the standard. If it has done this and you are satisfied of that fact under this proof beyond a reasonable doubt, then that presumption of innocence, of course, would be overcome and would disappear, and it would be your duty to say "Guilty." If, on the other hand, you have a reasonable doubt whether or not this fluid extract was below the standard and are not satisfied beyond a reasonable doubt that it was below the standard when shipped, then, of course, it would be your duty to find the defendant not guilty. But, gentlemen, you are to take the evidence as it is and not surmise, guess, or speculate or theorize that this fluid extract may have been up to the standard if the evidence proves it was not. A reasonable doubt, gentlemen, is not a surmise, a guess, a speculation, or a speculative theory that a thing may not be so. A reasonable doubt is not

a speculative theory. A reasonable doubt is just what the term implies—a doubt founded in reason, and for which a reason can be given by the jury if called upon to do so. It may arise from the lack of evidence or from the uncertainty of that presented. It may arise from the character or quality of the evidence given; that is, the character of the witnesses giving it may be such that the jury does not give credence to the testimony. The witnesses may be impeached in some one of the modes known to the law, or the witness may be so uncertain or unreliable or contradictory or unreasonable in his statements that the jury fails to place reliance on what he says. However, gentlemen, a jury has no right to disregard the testimony of an unimpeached witness who knows whereof he speaks, who has the facts within his knowledge, and who is disinterested and fair and consistent in giving his statements, and whose testimony is consistent with the other known and proved and conceded facts in the case.

In a criminal case the evidence must exclude every reasonable hypothesis except that of guilt, and if just as consistent with the innocence of the defendant as with its guilt, then the case is not made out.

Considerable has been said here about allowances, variations, and tolerances, meaning, I assume, that allowances and tolerations may be made for differences in results obtained when the formula or mode of procedure pointed out by law is followed in making an analysis of the article being analyzed. Of course, you, gentlemen of the jury, on this evidence and from this evidence, are to determine and say on your oaths as jurors, whether or not this fluid extract of cinchona compounded and sold and shipped in interstate commerce; that is, from one State into another State of the United States—from New York to New Jersey—did contain, when so shipped and sold, 4 grams per 100 cubic centimeters of the anhydrous ether soluble alkaloids from cinchona. If it did, then the statute was not offended against or violated in this respect. If it did not contain 4 grams of such anhydrous ether soluble alkaloids, but a lesser quantity of such alkaloids or ingredients, then the statute was violated by the defendant and your verdict should be "guilty," as charged in the first count of the information, irrespective of whether the defendant knew of the deficiency or intended the deficiency or not. The statute is imperative, as I have stated, and absolute in its requirements, and demands that this drug, or fluid extract of cinchona, shall contain when sold and shipped in interstate commerce—that is, from one State to another State—at least 4 grams per 100 cubic centimeters of these anhydrous ether soluble alkaloids from cinchona as determined by the process or analysis described in the work mentioned. That, gentlemen, is the standard fixed by law for determining the contents of the fluid extract, and no other analysis can be substituted and furnish evidence which will constitute a defense when the analysis made according to law and pursuant to the mode prescribed by law shows to your satisfaction that the article was not up to the standard required.

And, gentlemen, it will not do to say that a lesser quantity of these anhydrous ether soluble alkaloids from cinchona per 100 cubic centimeters is or may be just as good and just as efficient as the quantities of these ether soluble alkaloids required by the statute. Congress has the right in the interest of the general public and in the exercise of its control over interstate commerce to prescribe the standard up to which certain drugs when shipped in interstate commerce must come, and in this case it has done so. This drug, fluid extract of cinchona, is a drug sold under and by a name recognized in the United States Pharmacopœia or National Formulary, and the statute expressly declares that such drug "shall be deemed to be adulterated if it differs from the standard of strength, quality, or purity as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation" and neither the court nor the jury is at liberty to surmise, guess, theorize, or speculate that the drug would be just as good if it did differ from that standard of strength, quality, or purity and contain a lesser quantity of the ingredients to which I have repeatedly called your attention—those being the essential ingredients of the fluid extract. Of course the variation from the standard fixed by law must be real and not imaginary or the result of guesswork, but if it does vary to any substantial amount in strength, quality, or purity from the standard fixed by the statute, then the case is made out irrespective of intent, as I have already stated, and irrespective of the effect of such adulteration on the health of the consumer.

The credibility of the witnesses who have testified in this case as well as their accuracy is for the jury to determine. Were the tests or analyses made

carefully, honestly, and intelligently by competent persons who knew how to do that which they undertook to do? You are to consider the experience and skill and knowledge of the men who made these tests of these fluid extracts in question. You are to note and consider the fact that the Government's chemists expert in this business as well as Prof. Ellery, from Union College, agree that in the respects named as to these essential ingredients as shown by their tests the fluid extract fell below the standard fixed by law.

You are to consider the fact that the chemist from Union College concedes that he threw away the wrapper and marks and writing thereon on the bottle of fluid extract given to him by the defendant and from the contents of which he made his analysis. It is for you to say whether or not the bottle given him and from which he took the samples which he subjected to his analyses and from which Mr. Grose and Mr. Kirschberg took theirs was the same bottle or container returned to the defendant by the Department of Agriculture. If the wrapper with the writing put there by Mr. Lind had been preserved it would have been better, but, gentlemen, the force and effect of this evidence in view of all the evidence produced and circumstances in the case established to your satisfaction, is for your consideration and determination.

So you are to consider in determining what the strength of this fluid extract really was in the respects named; the mode and manner adopted for bringing it up to the standard when found, after coming from the percolator, to be below that standard which is required by the law. The law would not be complied with if the defendant adopted an improper method of bringing it up to the standard, one which by mixing in the powder in the manner described brought certain parts of the fluid extract up to the standard and left other parts of it below the standard. You have heard the evidence on that subject as well as a description of the mode and manner or process by means of which fluid extract of cinchona is properly made. You have heard the evidence as to the three essential anhydrous ether soluble alkaloids found in fluid extract of cinchona. Considering the method used to raise the standard of this fluid extract after it came from the percolator it is for you to say under this evidence, did this fluid extract on being bottled and shipped in interstate commerce contain the anhydrous ether soluble alkaloids from cinchona required, viz, 4 grams per 100 cubic centimeters? In short the methods pursued in the manufacture are to be considered as well as the method adopted for bringing it up to the standard when found deficient as well as what was done in the various analyses made by the several witnesses who have given testimony in this case.

One or more of the witnesses for the defendant was employed by it to make a test or analysis, and one said that he knew something was depending on the result of the analysis he made. Did or did not this induce him to take any measures which would cause his analysis to show more of these essential alkaloids than it really did? And did he in fact have the sample that came from the Department of Agriculture? The chemists who gave evidence for the Government are in the employ of the Government and it is for you to say whether or not this fact has in any way affected them in giving their testimony and induced them to vary the test or analysis to any extent or in any way favorable to the Government.

This case is one of importance not only to the Government but to the defendant, as it involves the imposition of a fine on the one hand and the maintenance of the law, if it has been violated, on the other hand.

You are to act fairly, fearlessly, and impartially, and if satisfied beyond a reasonable doubt that this fluid extract of cinchona offered and shipped in interstate commerce by the defendant on or about the 8th day of November, 1912, did not then contain 4 drams per 100 cubic centimeters of the anhydrous ether soluble alkaloids from cinchona, then say "Guilty," as charged in the first count of the indictment.

If, on the other hand, you find from the evidence that the fluid extract mentioned did in fact contain 4 or more grams of the anhydrous ether soluble alkaloids from cinchona per 100 cubic centimeters when shipped, then your verdict will be "Not guilty."

It may be of interest, gentlemen, for me to say to you that a centimeter is a measure of length and is the 100th of a meter, or 0.3937 of an inch, which is considerably less than one-half an inch, while a gram is the unit of weight in the metric system, or 15.43 grains troy weight. Cinchona is the name of a tree, and from its bark is extracted certain anhydrous alkaloids or ingredients which are soluble in ether, and one of these is what we know as quinine,

useful in medicine and especially in certain fevers. Ether soluble alkaloids include quinine, quinidine, and chinchonidine.

You take the law from the court, of which the court is the sole judge. This is your sworn duty. You are sole judge of all the disputed facts and of the inferences to be drawn from conceded or proved facts. Conceded facts you are not at liberty to question, but when the evidence conflicts you are to decide. This is your sworn duty, guided by the principles of law to which your attention has been called. The credibility of the witnesses—their truth and accuracy—is for you.

The following requests by the defendant for charge to the jury were refused by the court:

8. This method laid down was not followed by the witnesses who testified for the plaintiff.

No. It is for you to say, gentlemen, in this evidence what the process used by the Government experts was; and was it the process described in this law as I have read.

9. The assays made by the witnesses for the United States are therefore not to be relied upon as giving correct results.

No. It is for you to say did this process followed give correct results.

19. That the result obtained by analysis by the Government chemists is not entitled to any greater consideration or respect by the jury than is the result obtained by other chemists of acknowledged standing and ability in their profession.

No, as written, but yes with this addition: "For the reason they are Government employees of [or] Government chemists. You are to consider their interest, if any, their character, their knowledge and skill and experience, and the care exercised by them in making their analyses; and say whether or not they were correct in view of all the evidence in the case, including that of defendant and its witnesses, and whether the defendant's witnesses were incorrect and inaccurate in their results."

The jury thereupon retired, and after due deliberation returned a verdict of guilty, and the court thereupon imposed on the defendant company a fine of $200.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4981. Misbranding of fluid extract of coca. U. S. * * * v. The G. F. Harvey Co., a corporation. Plea of guilty. Fine, $200. (F. & D. No. 5394. I. S. No. 1647–e.)

On February 19, 1914, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the G. F. Harvey Co., a corporation, Saratoga Springs, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 8, 1912, from the State of New York into the State of New Jersey, of a quantity of an article labeled, in part, "Fluid Extract Cocoa," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following result:

Cocaine and its derivatives (grams per 100 cc)---------- 0.573

Misbranding of the article was alleged in the information for the reason that the package or bottle failed to bear a statement on the label thereof of the quantity or proportion of cocaine and cocaine derivatives contained in said article; that is, failed to declare that said article contained, to wit, 0.573 gram of cocaine and cocaine derivatives per 100 cubic centimeters, which amount of said substances was actually present therein.

On June 21, 1916, the plea of not guilty to the information, theretofore entered by the defendant company, was withdrawn, and a plea of guilty was entered, and the court imposed a fine of $200.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4982. Misbranding of 20th Century gonorrhea and gleet cure, so called. U. S. * * * v. Eva J. Powell (20th Century Remedy Co.). Plea of nolo contendere. Defendant ordered to pay costs. (F. & D. No. 5633. I. S. No. 14438-k.)

On August 3, 1916, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, an information against Eva J. Powell, trading as the 20th Century Remedy Co., Findlay, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about April 3, 1915, from the State of Ohio into the State of Indiana, of a quantity of "20th Century," which was misbranded. The article was labeled, in part: "* * * 20th Century prevents and cures Gonorrhea and Gleet." * * *

Analysis of a sample of the article, consisting of a powder and a solution, by the Bureau of Chemistry of this department showed the solution to consist essentially of water, glycerin, lead and zinc sulphates, acetates, nitrates, and a small quantity of perfume.

It was alleged in substance in the information that the article was misbranded for the reason that the statements, regarding the therapeutic or curative effects thereof, appearing on its labels and in the booklet accompanying it, falsely and fraudulently represented it as a remedy for gonorrhea and gleet, as a preventive of gonorrhea and gleet, as a cure for gonorrhea and gleet, and every case of gonorrhea and gleet, as a reliable treatment for gonorrhea; as a preventive of gonorrhea, as a cure for gonorrhea, and as a permanent cure for gonorrhea, when, in truth and in fact, it was not.

On September 18, 1916, the defendant entered a plea of nolo contendere to the information, and was ordered by the court to pay the costs of the proceedings.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4983. Misbranding of "Professor C. E. Matthai's Victory." U. S. * * * v. Margarete E. Matthai (Prof. C. E. Matthai). Plea of nolo contendere. Fine, $100 and costs. (F. & D. No. 5680. I. S. No. 1137–k.)

On October 10, 1916, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Margarete E. Matthai, trading as Prof. C. E. Matthai, Baltimore, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about December 16, 1914, from the State of Maryland into the District of Columbia, of a quantity of an article labeled, in part, "Professor C. E. Matthai's Victory," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	49.0
Opium (grains per fluid ounce)	1.2
Camphor and volatile oil (per cent by volume)	3.5
Capsicum: Present.	
Eugenol: Present.	
Contents of bottle (fluid ounces)	1.6
Opium content (grains per bottle)	1.9

It was alleged in substance in the information that the article was misbranded for the reason that the statements regarding the therapeutic or curative effects thereof appearing on its label and in the circular accompanying it falsely and fraudulently represented it as a remedy for sore throat, diphtheria, cholera, dysentery, diarrhea, neuralgia, and hoarseness, and for rheumatism, dyspepsia, sprains, and bites of reptiles and animals, and for scarlet fever, measles, yellow fever, fever and ague, and bilious attacks; as a cure for dyspepsia, for asthma, and bronchitis arising from cold or disordered stomach; as a remedy for epilepsy, inflammation of the kidneys and bladder, diabetes, and all diseases of the bladder; for the relief of sunstroke; and when used on red flannel over the stomachs of children, as a remedy for spasms, when, in truth and in fact, it was not.

Misbranding was alleged for the further reason that the article contained alcohol and opium, and the label failed to bear a statement of the quantity or proportion of alcohol and opium contained therein. Misbranding was alleged for the further reason that the statements, to wit, "Alcohol 34%, opium 1.1 gr.," borne on the wrapper of the article, were false and misleading for the reason that they indicated to the purchaser that the article contained not more than 34 per cent of alcohol and not more than 1.1 grains of opium, whereas, in truth and in fact, it contained more than the percentages named of alcohol and opium, to wit, 49 per cent of alcohol and 1.9 grains of opium.

On October 10, 1916, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of $100 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4984. Misbranding of "Sensapersa." U. S. * * * v. Stephen Britton (The Brown Export Co.). Plea of guilty. Fine, $50. (F. & D. No. 5748. I. S. No. 2393-k.)

On August 10, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Stephen Britton, trading as the Brown Export Co., New York, N. Y., alleging the sale by said defendant, on March 18, 1915, in violation of the Food and Drugs Act, as amended, under a guaranty that the article was not misbranded within the meaning of the said act, of a quantity of "Sensapersa," which was a misbranded article within the meaning of said act and which said article, in the identical condition in which it was received, was shipped by the purchaser thereof, on March 26, 1915, from the State of New York into the Island of Porto Rico, in further violation of the said act, as amended. The article was labeled, in part: "Sensapersa * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed purple colored tablets containing asafetida, cannabis indica, and a drug containing a mydriatic alkaloid such as hyoscyamus.

It was charged in substance in the information that the article was misbranded for the reason that the statements on the label falsely and fraudulently represented it as a treatment for worn-out bodies, nervous prostration, nervous exhaustion, debility, and all forms of neurasthenia, such as insomnia, loss of memory and faintness; and as a remedy for all conditions caused by mental or physical exhaustion; and as a restorer of the nerves; and for the further reason that the statements included in the circular accompanying the article falsely and fraudulently represented it as a remedy for all cases of neurasthenia; as a trustworthy remedy for nervous prostration, nervous exhaustion and nervous debility; and as a medicine to cure nervous troubles in all forms in men and women, to keep the nervous system in a condition to resist everything; and as a remedy for all kinds of nervous attacks, mental and physical; when, in truth and in fact, it was not.

On November 6, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4985. Adulteration and misbranding of evaporated apples. U. S. * * * v. R. E. Funsten Dried Fruit & Nut Co., a corporation. Plea of guilty. Fine, $110. (F. & D. No. 5780. I. S. Nos. 11349–k, 11868–k, 11873–k, 11876–k, 12496–k.)

On September 13, 1916, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the R. E. Funsten Dried Fruit & Nut Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act:

(1) On or about August 22, 1914, from the State of Missouri into the State of Minnesota, of a quantity of evaporated apples which were adulterated. The article was labeled: "Lillie Brand (out of ripe apples) Evaporated Apples Sulphur Bleached."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 29.31 per cent of moisture.

Adulteration of this article (and of the evaporated apples shipped October 30, 1914 and November 5, 1914 into the States of Mississippi and Wisconsin, respectively, hereinafter referred to) was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength, and had been substituted in part for evaporated apples, which the article purported to be.

(2) On or about October 29, 1914, from the State of Missouri into the State of Mississippi, of a quantity of evaporated apples which were misbranded. The article was labeled, in part: "Crown Brand Evaporated Apples. * * * Net Weight 9 oz. * * *."

Examination of a sample of the article by said Bureau of Chemistry showed an average shortage in weight of 6 packages of 1.30 ounces or 14.5 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "9 oz.", borne on the package, was false and misleading in that it represented that the package contained not less than 9 ounces of the article, and for the further reason that it was labeled "9 oz." so as to deceive and mislead the purchaser into the belief that said package contained not less than 9 ounces of the article, whereas, in truth and in fact, it did not, but contained a less amount. Misbranding was alleged for the further reason that the article was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

(3) On or about October 30, 1914, from the State of Missouri into the State of Mississippi, of a quantity of evaporated apples which were adulterated and misbranded. The article was labeled in part: "Majestic Brand Funsten Evaporated Apples Net weight 15 oz. * * *".

Analysis of a sample of the article by the Bureau of Chemistry showed 28.38 per cent of moisture, and an average shortage in weight of 6 packages of 0.90 ounce, or 6 per cent.

Misbranding was alleged for the reason that the statements, to wit, "Evaporated Apples," and "15 oz.," borne on the package, were false and misleading in that they represented that said article was evaporated apples, and that the package contained 15 ounces, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was evaporated apples, and that the said package contained 15 ounces, whereas, in truth and in fact, it was not, but was a partially dried apple product containing an excessive amount of water, and the said package did not

contain 15 ounces, but contained a less amount. Misbranding was alleged for the further reason that the article was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

(4) On or about November 5, 1914, from the State of Missouri into the State of Wisconsin, of a quantity of evaporated apples which were adulterated and misbranded. The article was labeled: "Puck Brand Evaporated Apples Sulphur Bleached."

Analysis of a sample of the article by said Bureau of Chemistry showed that it contained 28.68 per cent of moisture.

Misbranding was alleged for the reason that the statement, to wit, "Evaporated Apples," borne on the package, was false and misleading in that it represented that the article was evaporated apples, and for the further reason that the article was labeled as aforesaid so as to mislead and deceive the purchaser into the belief that it was evaporated apples, whereas, in truth and in fact, it was not, but was a partially dried apple product containing an excessive amount of moisture. Misbranding was alleged for the further reason that the article was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

(5) On or about November 2, 1914, from the State of Missouri into the State of Mississippi, of a quantity of evaporated apples which were misbranded. The article was labeled in part: "Crown Brand Evaporated Apples. * * * Net weight 9 oz. * * *."

Examination of a sample of the article by said Bureau of Chemistry showed an average shortage of six packages of 8 ounces, or 9 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "9 oz.," borne on the package, was false and misleading in that it represented that the package contained not less than 9 ounces of the article, and for the further reason that it was labeled "9 oz." so as to deceive and mislead the purchaser into the belief that said package contained not less than 9 ounces of the article, whereas, in truth and in fact, it did not, but contained a less amount. Misbranding was alleged for the further reason that the article was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 22, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $110.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4986. Adulteration and misbranding of paregoric. U. S. * * * v. Earle K. Richardson and Frank R. Richardson, copartners (E. K. Richardson & Co.). Plea of guilty. Fine, $40. (F. & D. No. 5786. I. S. Nos. 22144–h, 22381–h.)

On April 26, 1916 the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of said District an information against Earle K. Richardson and Frank R. Richardson, copartners, trading as E. K. Richardson & Co., Washington, D. C., alleging the sale by said defendants, on April 15, 1914, and on June 3, 1914, at the District aforesaid, in violation of the Food and Drugs Act, of quantities of paregoric, which was adulterated and misbranded. The article was labeled, in part: "Paregoric Each Fluid Ounce Contains Alcohol 46.5%; Gran. Opium 1.9 Grs. E. K. Richardson & Co. Pharmacists Cor. N. Capitol & P Sts. Washington, D. C."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the product sold on April 15, 1914, contained 1.1 grams of powdered opium per 1,000 cc, or 0.5 grain per fluid ounce; and that sold on June 3, 1914, showed the presence of 0.7 gram of opium per 1,000 cc, or 0.32 grain per fluid ounce.

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said Pharmacopœia, official at the time of investigation of said article, in that said drug, in each quantity sold, contained 1.1 grams and 0.7 gram, respectively, of powdered opium per 1,000 cubic centimeters, whereas said Pharmacopœia provides that it should contain not less than 4 grams of powdered opium per 1,000 cubic centimeters, and the standard of strength, quality, and purity of said article was not declared on the containers thereof.

Misbranding was alleged for the reason that the label on the bottle bore the statement, to wit, "Paregoric Each Fluid Ounce Contains Alcohol 46.5%; Gran. Opium 1.9 Grs.", which statement, to wit, "Each Fluid Ounce Contains Gran. Opium 1.9 Grs.", was false and misleading in that it represented that each fluid ounce of said article contained 1.9 grains of granulated opium, whereas, in truth and in fact, each fluid ounce did not contain 1.9 grains of granulated opium, but in each case contained a less amount, to wit, 0.5 of a grain and 0.32 of a grain, respectively, of granulated opium.

On April 26, 1916, a plea of guilty to the information was entered on behalf of the defendant firm, and the court imposed a fine of $40.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4987. Adulteration of oysters. U. S. * * * v. Othniel A. Pendleton. Plea of guilty. Fine, $10. (F. & D. No. 5815. I. S. No. 3464-1.)

On April 28, 1916, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of said District an information against Othniel A. Pendleton, Washington, D. C., alleging the sale by said defendant, on December 18, 1915 at the District aforesaid, in violation of the Food and Drugs Act, of a quantity of oysters which were adulterated.

Analysis of sample of the article by the Bureau of Chemistry of this department showed the following results:

Liquor (per cent)	35.2
Meat (per cent)	64.8

Meat.

Loss on boiling (per cent)	56.6
Solids (per cent)	13.4
Ash (per cent)	.58
Chlorids as sodium chlorid (per cent)	.01

Liquor.

Solids (per cent)	2.63
Ash (per cent)	.28
Chlorids as sodium chlorid (per cent)	.11

These results show the addition of a material amount of water.

Adulteration of the article was alleged in the information for the reason that a certain substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for oysters, which the article purported to be.

On April 28, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4988. Misbranding of "Maguire's Extract of Benne Plant and Catechu Compound." U. S. * * * v. J. & C. Maguire Medicine Co., a corporation. Tried to the court and a jury. Verdict of guilty. Fine, $200 and costs. (F. & D. No. 6109. I. S. No. 9322–e.)

On June 24, 1915, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against J. & C. Maguire Medicine Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 13, 1913, from the State of Missouri into the State of Colorado, of a quantity of "Maguire's Extract of Benne Plant and Catechu Compounds," which was misbranded. The article was labeled, in part: "J. & C. Maguire's Extract of Benne Plant and Catechu Compound * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	39.50
Nonvolatile material at 100° C. (grams per 100 cc)	1.95
Morphine (grains per fluid ounce)	0.10
Camphor: Present.	
Catechu: Indicated.	
Peppermint: Indicated by odor.	

It was charged in substance in the information that the article was misbranded for the reason that the statements included in the circular or pamphlet accompanying the article falsely and fraudulently represented it as a reliable specific for diarrhea, dysentery, and cholera morbus, and as a preventive of Asiatic cholera, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the statement on the label, to wit, "* * * perfectly harmless * * *," was false and misleading in that it indicated to purchasers thereof that the article did not contain ingredients which would render the same harmful or injurious when administered or taken according to directions, when, in truth and in fact, it contained a poisonous and dangerous ingredient, to wit, 1/10 of a grain of morphine per fluid ounce, which might render the same harmful or injurious when administered or taken according to directions. Misbranding was alleged for the further reason that the statement on the label, to wit, "* * * Extract of Benne Plant and Catechu Compound * * *," was false and misleading in that it indicated to purchasers thereof that the article was composed of and contained benne plant and catechu, harmless medicinal agents, as its principal and most active ingredients, when, in truth and in fact, it was not composed of, and did not contain, benne plant and catechu as its principal and most active ingredients, but did contain as its principal and most active ingredient, to wit, morphine, a dangerous habit-forming drug.

On January 24, 1916, the defendant company having entered a plea of not guilty to the information, and the case having come on for trial before the court and a jury, after the submission of evidence and argument by counsel, a verdict of guilty was returned by the jury on January 25, 1916. On February 28, 1916, the defendant company filed its motion for a new trial, which was sustained on May 4, 1916. On October 19, 1916, the case having come on for retrial before the court and a jury, after the submission of evidence and arguments by counsel, a verdict of guilty was again returned by the jury on October 21, 1916. On October 31, 1916, the court imposed a fine of $200 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4989. Misbranding of "Moreau's Soothing Wine of Anise." U. S. * * * v. The Lafayette Co., a corporation. Plea of guilty. Fine, $25 and costs. (F. & D. No. 6133. I. S. No. 725-h.)

On July 13, 1915, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Lafayette Co., a corporation, Berlin, N. H., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 4, 1914, from the State of New Hampshire into the State of Massachusetts, of a quantity of an article labeled, in part: "Moreau's Soothing Wine of Anise for Children," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Nonvolatile matter (per cent)	46.3
Anise oil (approximate per cent)	2.5
Morphine acetate (crystallized) (grains per fluid ounce)	0.27
Alcohol (per cent by volume)	8.7
Sugars (per cent)	39.6

The product is a sirup containing morphine acetate and alcohol and flavored with anise oil.

It was charged in substance in the information that the article was misbranded in that the statements on the label falsely and fraudulently represented it as a remedy for diarrhea, dysentery, indigestion, and vomiting of children, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that it contained, to wit, 0.27 grain of morphine acetate and 8.7 per cent of alcohol per ounce, and the package failed to bear a statement on its labels of the quantity or proportion of morphine and alcohol contained therein.

On September 21, 1915, the defendant company entered a plea of not guilty to the information. On September 19, 1916, the plea of not guilty was withdrawn and a plea of guilty entered, and the court imposed a fine of $25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4990. Misbranding of "Hood's Compound Extract of Sarsaparilla." U. S. * * * v. C. I. Hood Co., a corporation. Plea of nolo contendere. Fine, $50. (F. & D. No. 6178. I. S. No. 1702–k.)

On May 2, 1916, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the C. I. Hood Co., a corporation, doing business at Lowell, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about July 28, 1914, from the State of Massachusetts into the State of New York, of a quantity of an article labeled in part, "Hood's Compound Extract of Sarsaparilla," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product appears to be a hydroalcoholic solution containing about 0.90 per cent of potassium iodid, 5.5 per cent of sugars, 6.5 per cent of vegetable extractive material, which bears indications of the presence of sarsaparilla, licorice, and an emodin-bearing drug resembling senna; arsenic is present in small quantity, about 3 parts per million, probably accidental.

It was charged in substance in the information that the article was misbranded in that the statements on the label and included in the circular or pamphlet accompanying the article falsely and fraudulently represented it as a remedy for scrofula, eczema, cancerous humors, catarrh, rheumatism, scrofulous diseases, all derangements caused by an unnatural state of the blood, consumption, ulceration of the liver, stomach, and kidneys, eruptions, and eruptive diseases of the skin, tumors, erysipelas, salt rheum, tetter, pain in the bones, side, and head, catarrh, dyspepsia, female weaknesses, dropsy, emaciation, for all diseases of the blood, all skin diseases, indigestion, kidney and liver diseases, female diseases, such as suppressed menses, irregularity, leucorrhea or whites, sterility and ulceration of the uterus, for abscesses, all cases of blood poisoning and carbuncles, and for removing the cause of carbuncles; as a preventive of erysipelas; as a remedy for milk leg, psoriasis, sciatica, styes on the eyes, and varicose veins; as a preventive of white swelling, and for purifying, enriching, and vitalizing the blood and restoring and renovating the whole system, and to eradicate scrofula, when, in truth and in fact, it was not.

On October 20, 1916, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4991. Misbranding of "Booth's Hyomei Dri-Ayr." U. S. * * * v. Booth's Hyomei Co., a corporation. Plea of nolo contendere. Fine, $10. (F. & D. No. 6186. I. S. No. 9610-e.)

On June 22, 1915, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Booth's Hyomei Co., a corporation, Buffalo, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 10, 1913, from the State of New York into the State of Maryland, of a quantity of an article labeled, in part, "Booth's Hyomei Dri-Ayr," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	9.89
Nonvolatile matter at 110° C. (grams per 100 cc)	9.81
Tests made on volatile oil:	
Polarization at 25° C. (100 mm tube) (°V)	−5.6
Polarization at 25° C. (100 mm tube) (°angular)	−1.94
Phellandrene: Large amount present.	
Cineol (per cent) (approximate)	20.00

The oil is soluble in 3 volumes of 70 per cent alcohol; the nonvolatile residue consists of a small amount of resin-like solid and a mineral oil; it gives no test for rosin oil.

The product apparently consists essentially of oil of eucalyptus, together with a small amount of resin-like solids and a mineral oil; also a little alcohol. Oil of eucalyptus not U. S. P.

It was charged in substance in the information that the article was misbranded for the reason that the statements on the label falsely and fraudulently represented it as a remedy for catarrh, asthma, bronchitis, and hay fever, and further in that the statements included in the booklet accompanying the article falsely and fraudulently represented it as a remedy for catarrhal deafness, and hay fever, and as a cure for asthma and catarrh when, in truth and in fact, it was not.

On November 22, 1916, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4992. Misbranding of "Jacobs' Liver Salt." U. S. * * * v. Jacobs' Pharmacy Co., a corporation. Plea of guilty. Fine, $25 and costs. (F. & D. No. 6204. I. S. No. 9330-e.)

On September 21, 1915, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jacobs' Pharmacy Co., a corporation, Atlanta, Ga., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 18, 1913, from the State of Georgia into the State of Colorado, of a quantity of an article labeled, in part, "Jacobs' Liver Salt," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Loss on ignition (per cent)	30.64
Phosphates as Na_2HPO_4 (per cent)	26.51
Chlorids as NaCl (per cent)	6.63
Sulphates as Na_2SO_4 (per cent)	27.84

Test for carbonate: Positive.
Denige's test for citric acid: Positive.
Spectroscopic test: Lithium; Very faint.

The preparation consists largely of sodium phosphate, sulphate, and chlorid, incorporated with a desiccated mixture of sodium carbonate and citric acid; contains a trace only of lithium salt.

It was charged in substance in the information that the article was misbranded for the reason that the statements on the label falsely and fraudulently represented it as a remedy for headache, rheumatism, gout, gastritis, deranged digestion, and sore throat, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the statement, to wit, "Formula Jacobs' Liver Salt is composed of Lithium Phosphate, Sodium Phosphate, and Sodium Sulphate in the correct proportions as determined by expert chemists," borne on the label and the statement, to wit, "Containing Lithium Phosphate," borne on the carton, were false and misleading in that they purported and represented that said article contained an appreciable quantity of lithium phosphate, whereas, in truth and in fact, said article contained little, if any, lithium phosphate.

On October 3, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4993. Misbranding of "Hill's Kidney Kaskara Tablets." U. S. * * * v. The W. H. Hill Co., a corporation. Plea of guilty. Fine, $50. (F. & D. No. 6241. I. S. No. 10009-e.)

On May 15, 1915, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the W. H. Hill Co., a corporation, Detroit, Mich., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 11, 1913, from the State of Michigan into the State of California, of a quantity of an article labeled, in part, "* * * Hill's Kidney Kaskara Tablets * * *," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the product to be an iron oxid, sugar-coated tablet, carrying emodin, caffeine, acid resin, magnesium carbonate, and talcum.

It was charged in substance in the information that the article was misbranded for the reason that the statements on the label falsely and fraudulently represented it as a remedy for renal calculi, diabetes, and Bright's disease, and effective to prevent the formation of uric acid and other calculous products, and misbranded further in that the statements included in the circular or pamphlet, accompanying the article, falsely and fraudulently represented it as a remedy for acute inflammation of the kidneys, diabetes, Bright's disease, and consumption of the kidneys, and as a cure for disintegration of the kidneys, and effective in preventing the escape of albumen or sugar into the urine and in the prevention of calculus, stone, or gravel, when, in truth and in fact, it was not.

On June 15, 1915, the defendant company filed its motion to quash the information, and after argument and submission to the court the motion was denied on May 19, 1916. On December 13, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4994. Misbranding of "Hancock Sulphur Compound" and "Hancock Sulphur Compound Ointment." U. S. * * * v. Hancock Liquid Sulphur Co., a corporation. Plea of nolo contendere. Fine, $25 and costs. (F. & D. No. 6494. I. S. Nos. 174–k, 2311–l, 1807–k.)

On October 10, 1916, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hancock Liquid Sulphur Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, as amended:

(1) and (2) On or about October 13, 1914, from the State of Maryland into the State of South Carolina, and on or about August 13, 1915, from the State of Maryland into the State of Florida, of quantities of an article labeled, in part, "Hancock Sulphur Compound," which was misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed it to be a solution of calcium polysulphids and calcium thiosulphate.

Misbranding of the article in each of these shipments was charged in substance in the information for the reason that the statements appearing on its labels and included in the booklet accompanying it falsely and fraudulently represented it as a remedy for eczema, catarrh, sore throat, granulated eyelids, and other diseases of the skin and scalp, all diseases of the skin, rheumatism, piles, and blood diseases, and effective for purifying the blood and keeping the skin and scalp in a healthy condition, as a remedy for tetter, shingles, herpes, salt rheum, rheumatism, gout, piles, and all blood, skin, and scalp diseases, when used according to directions, when, in truth and in fact, it was not.

(3) On or about June 15, 1914, from the State of Maryland into the State of Georgia, of a quantity of an article labeled, in part, "Hancock Sulphur Compound Ointment," which was misbranded.

Analysis of a sample of the article by said Bureau of Chemistry showed it to be an ointment containing petrolatum, phenol, 0.91 per cent of sulphur, 0.38 per cent ash (mainly lime), and scented with bergamot and rose.

Misbranding of the article was charged in substance in the information for the reason that the statements appearing on its labels and included in the booklet accompanying it falsely and fraudulently represented it as a remedy for eczema, skin diseases, tetter, boils, and all eruptions of the skin and scalp, when used according to directions; for sore throat, sore and swollen tonsils, shingles, herpes, and all blood, skin, and scalp diseases, when used according to directions, when, in truth and in fact, it was not.

On October 10, 1916, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4995. Misbranding of "Dr. Fred Palmer's Skin Whitener." U. S. * * * v. Jacobs' Pharmacy Co., a corporation. Plea of guilty. Fine, $25 and costs. (F. & D. No. 6509. I. S. No. 8206-e.)

On December 30, 1915, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Jacobs' Pharmacy Co., a corporation, Atlanta, Ga., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 7, 1913, from the State of Georgia into the State of Tennessee, of a quantity of an article labeled, in part, "Dr. Fred Palmer's Skin Whitener," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product contained 7.85 per cent of mercury (present in the mercuric condition and insoluble in water), and a fatty base, and was perfumed with an oil the odor of which suggested bergamot.

Misbranding of the article was alleged in the information for the reason that the statement on its label, to wit, "Guaranteed Absolutely Harmless," was false and misleading in that it indicated to purchasers thereof that it did not contain any poisonous or deleterious ingredient which might render the same dangerous or harmful when used or administered as directed on the label of the box, when, in truth and in fact, said article did contain a poisonous and deleterious ingredient, to wit, 7.85 per cent mercury calculated as ammoniated mercury, which might render said article dangerous or harmful when used or administered as directed. It was further charged in substance that the article was misbranded for the reason that the statements on its label falsely and fraudulently represented it as a remedy for all forms of eczema and skin eruptions, when, in truth and in fact, it was not.

On October 31, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4996. Misbranding of "Dr. Crossman's Specific Mixture." U. S. * * * v. Wright's Indian Vegetable Pill Co., a corporation. Plea of guilty. Fine, $100. (F. & D. No. 6543. I. S. No. 6608–e.)

On October 18, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Wright's Indian Vegetable Pill Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on October 24, 1912, from the State of New York into the State of Ohio, of a quantity of an article labeled, in part, "Dr. Crossman's Specific Mixture," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Nonvolatile matter at 110° C. (grams per 100 cc)	33.14
(Resin-like residue.)	
Alcohol (per cent by volume)	16.12
Morphine (grams per 100 cc)	0.012
Morphine (grains per oz.)	0.06

Copaiba: Present.

Volatile oils: Present.

A mixture composed of two layers, the upper containing alcohol, water, opium, and coloring matter, the lower, about 92 per cent of the total mixture, is chiefly balsam copaiba and oils having a strong odor of citronella.

It was charged in substance in the information that the article was misbranded for the reason that the statements included in the circular or pamphlet accompanying it, falsely and fraudulently represented it as a specific for the cure of gonorrhea, gleet, strictures, and analogous complaints of the organs of generation, and effective as a preventive of gonorrhea, when, in truth and in fact, it was not.

On October 21, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of $100.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4997. Misbranding of "Lydia E. Pinkham's Vegetable Compound." U. S. * * * v. Lydia E. Pinkham Medicine Co., a corporation. Plea of nolo contendere. Fine, $50. (F. & D. No. 6550. I. S. No. 7981–e.)

On September 17, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Lydia E. Pinkham Medicine Co., a corporation, doing business at Lynn, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 24, 1913, from the State of Massachusetts into the State of Ohio, of a quantity of an article labeled, in part, "Lydia E. Pinkham's Vegetable Compound," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	17.9
Solids (grams per 100 cc)	0.56
Vegetable extractive material: Present.	
Alkaloidal material (grams per 100 cc)	0.008

It was charged in substance in the information that the article was misbranded in that the statements on the label and included in the booklet accompanying the article, falsely and fraudulently represented that it was effective among other things as a remedy for prolapsus uteri, or falling of the womb, leucorrhea and inflammation and ulceration of the womb, for curing the diseases of women, and for all female ailments and affections, diseases of the bladder and organic affections of the kidneys, and effective as a cure for dysmenorrhea, menorrhagia, displacement of the uterus forward, uterine tumors and diseases of the ovaries, and as a preventive of miscarriage or abortion, when, in truth and in fact, it was not.

On October 20, 1916, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of $50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4998. Misbranding of "Dr. W. H. Baker's Tubercular Remedy." U. S. * * * v. Edward D. Morgan. Plea of nolo contendere. Fine, $25 and costs. (F. & D. No. 6575. I. S. No. 5442-h.)

On October 20, 1915, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edward D. Morgan, heretofore treasurer and general manager of the W. H. Baker Co., formerly a corporation, Cleveland, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about October 18, 1913, from the State of Ohio into the State of Missouri, of a quantity of an article labeled, in part, "Dr. W. H. Baker's Tubercular Remedy", which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Solids (grams per 100 cc)	26.23
Sucrose (grams per 100 cc)	3.03
Reducing sugars before inversion (grams per 100 cc)	7.98
Glucose by polarization (grams per 100 cc)	3.82
Ammonium salts as ammonium chlorid (grams per 100 cc)	1.46
Alkaloids (unidentified) (grams per 100 cc)	0.03
Iodin as potassium iodid (grams per 100 cc)	0.70
Alcohol (per cent by volume) (grams per 100 cc)	11.24

Chlorids, glycerin, tannin, licorice and potassium: Present.
Wild cherry and gentian: Indicated.

The product is essentially a hydroalcoholic solution of sucrose, glucose, invert sugar, potassium iodid, ammonium chlorid, glycerin, licorice, and alkaloid-bearing drug (unidentified), and unidentified plant extractives; wild cherry and gentian indicated.

It was charged in substance in the information that the article was misbranded for the reason that the statements appearing on its label, falsely and fraudulently represented it as a remedy and cure for tuberculosis when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the statements included in the leaflet accompanying the article falsely and fraudulently represented it as a remedy for all forms of tuberculosis, when, in truth and in fact, it was not.

On February 1, 1917, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of $25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

4999. Misbranding of "Lee's Save the Baby Croup Specific" and "Lee's Croup Mixture." U. S. * * * v. Charles Samuel Ulcher and Carrie L. Ulcher. (William W. Lee & Co.). Pleas of guilty. Fine, $25. (F. & D. No. 6587. I. S. Nos. 8068-e, 25552-h.)

On February 24, 1916, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles Samuel Ulcher and Carrie L. Ulcher, trading as William W. Lee & Co., Troy, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended:

(1) On or about April 3, 1913, from the State of New York into the State of Massachusetts, of a quantity of an article labeled, in part, "Lee's Save the Baby Croup Specific," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	4.6
Volatile oils (per 100 cc)	28.5
Fixed fatty oils (per cent)	64.7

Oil of rosemary: Present.
Oil of thyme: Present.
Camphor: Present.

The sample is a liniment of camphor, rosemary, and thyme, with a fatty oil base.

It was alleged in substance in the information that the article was misbranded for the reason that the statements appearing on its label and included in the circular or pamphlet accompanying it falsely and fraudulently represented it as a specific for croup, and for saving the lives of babies affected by that disease, as a safe and sure remedy for the croup and all bronchial affections, and as a remedy for inflammation of the lungs, when, in truth and in fact, it was not.

(2) On or about August 17, 1914, from the State of New York into the State of Massachusetts, of a quantity of an article labeled, in part, "Lee's Croup Mixture," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Fixed fatty oil (lard) (per cent)	70.11
Volatile oils	18.81
Alcohol	7.15

The volatile oils consist of a mixture of oil of rosemary, a thymol containing oil such as oil of thyme, and camphor,

It was alleged in substance in the information that the article was misbranded for the reason that the statements included in the circular or pamphlet accompanying it falsely and fraudulently represented it as a remedy for croup and for saving the lives of babies affected by that disease, when, in truth and in fact, it was not.

On October 27, 1916, the defendants entered pleas of guilty to the information, and the court imposed a fine of $25.

CARL VROOMAN, *Acting Secretary of Agriculture.*

5000. Adulteration of oats. U. S. * * * v. Certain Carloads of Oats. Consent decrees of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 7787, 7793, 7794, 7795, 7801, 7802, 7808, 7821, 7826, 7835, 7836, 7837, 7839, 7843, 7847, 7861. I. S. Nos. 1408–m, 1409–m, 1410–m, 1411–m, 1412–m, 1413–m, 2959–m, 6214–m, 6215–m, 6216–m, 6218–m, 6223–m, 6224–m, 6225–m, 6226–m, 6229–m, 6230–m, 6231–m, 6235–m, 6236–m, 6237–m, 6238–m, 6239–m, 6240–m, 6241–m, 6242–m, 6243–m, 6246–m, 6247–m, 6251–m, 10610–m, 10611–m, 10612–m, 10613–m, 10614–m, 10615–m, 10616–m, 10617–m, 10618–m, 10619–m, 10620–m. S. Nos. E–712, E–714, E–715, E–718, E–719, E–721, E–722, E–723, E–730, E–738, E–739, E–740, E–741, E–742, E–744, E–746, E–750.)

At the September, 1916, term of the District Court of the United States for the District of Maryland, the United States attorney for said district, acting upon reports by the Secretary of Agriculture, filed in the District Court aforesaid libels for the seizure and condemnation of a number of carloads of oats, remaining unsold and unloaded from the cars at Baltimore, Md., alleging that the article had been shipped by Donohue & Stratton Co., and Taylor & Bournique Co., Milwaukee, Wis., and transported from the State of Wisconsin into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article in each shipment was alleged in the libels for the reason that a large percentage, to wit, from 3.61 per cent to 23.2 per cent, of foreign matter, to wit, wild oats, other grains, weed seeds, dust, and chaff, had been mixed with and substituted for oats.

On November 20, 1916, John T. Fahey & Co., Baltimore, Md., claimant for a certain number of the carloads of oats seized, having admitted the allegations of the libels, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant for recleaning under the supervision of a representative of the Bureau of Chemistry, upon the payment of the costs of the proceedings and other expenses, and the execution of a bond in the sum of $10,000 in conformity with section 10 of the act.

On October 30, 1916, and November 6, 21, and 24, 1916, the said Taylor & Bournique Co., claimant for the remainder of carloads of oats, having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to said claimant for recleaning under the supervision of a representative of the Bureau of Chemistry upon the payment of the costs of the proceedings and other expenses and the execution of bonds in the aggregate sum of $39,500, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 4001 TO 5000.

Cases containing decisions of the courts or instructions to juries.

Beans—Continued.
pork and—Continued. N. J. No.
Hart Bros 4260
Miller Bros. & Co 4695
Morris, David, & Son 4752
Morris, W. E 4752
Norfolk Packing Co 4967, 4968
Rider Packing Co 4284, 4529
Scioto Canning Co 4475
Thomas Canning Co 4681, 4684, 4715
Underwriters' Salvage Co 4724
Wisconsin Pea Canners' Co 4712, 4959
pork and, with tomato sauce:
——— ——— 4646
Dyer Packing Co 4791
Eavey Packing Co 4785, 4786, 4788, 4790, 4865, 4954
Elyria Canning Co 4247
Hart Bros 4279, 4789, 4795, 4963
Rider Packing Co 4884
Wisconsin Pea Canners Co 4267
Beer:
Hohenadel, John 4955
Seipp, Conrad, Brewing Co 4327
Belladonna, tincture of. See Tincture.
Bells, Dr., pine tar honey:
Warner, R. W., & Co 4891
Benn capsules:
Bennett, Joseph Arthur 4570
Benne plant and catechu compound, extract of. *See* Extract.
Bick's,
nerve and brain tonic:
Palestine Drug Co 4507
quick pile remedy:
Palestine Drug Co 4507
sirup of figs with sirup of pepsin:
Palestine Drug Co 4507
B. I. F. combination:
Ingram, F. F., Co 4498
Birch mountain medicinal tea:
Birch Mountain Tea Co 4387
Birch oil. *See* oil.
Bitters,
fernet branca:
Mezzardi, Charles F 4899, 4900
fernet Milano:
Piemont Wine Cellars 4541
ferro-china:
Basilea-Calandra Co 4403
Puziello, Luccaro & Co 4095
herb:
Goff, S. B., & Sons Co 4332
Kaufmann's, Dr., sulphur:
Ordway, A. P. & Co 4370
Poland wine:
Struzynski Bros 4456
prickly ash:
Prickly Ash Bitters Co 4455
Sherman's, Dr., prickly ash:
Prickly Ash Bitters Co 4455
Bitters—Continued.
Snyder's: N. J. No.
Snyder, J. H., Medicine Co 4359
stomach:
Arrow Distilleries Co 4845
sulphur:
Ordway, A. P., & Co 4370
wa-hoo:
Old Indian Medicine Co 4523
Black olives. *See* Olives.
Blackberry extract. *See* Extract.
preserves. *See* Preserves.
Blackeye beans. *See* Beans.
Black's pulmonic sirup:
Black Distributing Agency 4357
Blood and kidney tablets. *See* Tablets.
Blood compound. *See* Compound.
Blood, liver, and kidney cure. *See* Cure.
Blood remedy. *See* Remedy.
Blood treatment, Brown's:
Brown, Dr., Co 4443
Bloodine blood and kidney tablets:
Bloodine Corporation 4343
Booth's hyomei dri-ayr:
Booth's Hyomei Co 4991
Bran. *See* Feed.
Brandy:
Fialla & Eppler 4537, 4632
Metropolitan Distributing Co 4454
Morand Bros 4502
Piemont Wine Cellars 4541
apple:
Edelman Distillery Co 4345
apricot:
Froelich, S., & Son 4496
California:
Brunhild, Simon & Co *4979
cognac:
Basilea-Calandra Co 4166
Block, E., Distilling & Distributing Co 4875
Block, Sol, & Griff 4870
Blum, J., Jr., Sons 4841
Erie Distilling Co 4384
General Importing Co 4112
Giordano, A 4185
Grand Wholesale Wine & Liquor Co 4385
Leffler, J. A., & Co 4177
Parisek, E., Co 4434
Prince, Adolf 4525
Puziello, Luccaro & Co 4090, 4095
Voltter, Adolph 4732
cognac essence. *See* Extract.
raisin:
Margulis, M 4001, 4693
Trester:
Silverman, J., & Co 4464
vodka:
——— ——— 4604, 4606
Russian Monopol Co 4830
Brazil nuts. *See* Nuts.
Brazilian balm. *See* Balm.
Bronchial elixir. *See* Elixir.

Nuts—Continued.
mixed: N. J. No.
——— ——— ——— 4151
Hills Bros. Co——— *4329
peanuts:
Gwaltney-Bunkley Peanut Co——— *4877
walnut meats:
——— ——— ——— 4206
walnuts:
Bennett, Day & Co——— 4691
Grace, W. R., & Co——— 4685
Zucca & Co——— 4730
Nux vomica,
tablets. *See* Tablets.
tincture. *See* Tincture.
Oats. *See* Feed.
Ohio port wine. See Wine.
Oil:
birch:
——— ——— ——— 4254
Lathrop, H. R., & Co——— 4292
cajuput:
Hymes Bros. Co——— 4536
cassia:
Hilker & Bletsch Co——— 4346
Hymes Bros. Co——— 4479, 4667
cod liver:
American Druggists Syndicate——— 4033
cod liver, extract:
Hollander-Koshland Co——— 4171
Wampole, H. S., Co——— 4103
cottonseed:
Fried, Harry——— 4618
Fried, L., & Sons——— 4618
Lange Bros——— 4618
Metropolitan Importing Co. 4618
cottonseed and olive:
Venice Importing Co——— 4961, 4962, 4964, 4965
golden:
Ballard Golden Oil Co——— 4124
lemon:
Magnus & Lauer——— 4450
Sethness Co——— 4342, 4399
Thompson & Taylor Spice Co——— 4323
Mexican:
Hausman Drug Co——— 4616
of balm:
Quaker Herb Co——— 4474
of Eden, Dr. J. L. Kellett's:
California Cooperative Medicine Co——— *4846
of gaultheria:
Southern Root & Herb Co. 4596
olive:
Carnese, A——— 4784
Gregg, C. D., Tea & Coffee Co——— 4366
Grogan, C. P——— 4155
Heller, Anna——— 4776
Spadaro & Co——— 4611
Spadaro, F., and V. C——— 4611
Venice Importing Co——— 4776

Oil—Continued.
Quakor: N. J. No.
Quakor Oil Co——— 4148
Renne's pain killing:
Herrick, Dr., Family Medicine Co——— 4400
wintergreen leaf:
Dowe, F. P——— 4704
wizard:
Hamlin's Wizard Oil Co——— 4364
Ointment:
croup:
Carpenter & Pierce Co——— 4375
goiter cure:
Hayssen, H. H——— 4551
household:
Kenyon & Thomas Co——— 4093
sulphur compound:
Hancock Liquid Sulphur Co——— 4994
universal:
Kane & Behrens——— 4709
Olive Oil. *See* Oil.
Olives, black:
Moscahlades Bros——— 4762
Olivfoam, Neal's:
To-Kalon Mfg. Co——— 4415
Onion salad. *See* Salad.
Opaline suppositories. *See* Suppository.
Orange blossom female suppositories. *See* Suppository.
Orange curaçao. *See* Cordial.
extract. *See* Extract.
Orangeade:
Cropper, F., Co——— 4053
Oriental cream. *See* Cream.
Otto's spruce gum balsam and pine tar compound:
American Pharmacal Co—— 4139
Oysters:
——— ——— ——— 4634, 4640, 4641, 4643, 4650
American Oyster Co——— 4651, 4652, 4653, 4655
Goodwin, J. E——— 4720
Hamilton, C. E——— 4925, 4931
Hatton, W. S——— 4949
Hogg, C. J——— 4054
Merrell, A. F——— *4922
Miles, J. H., & Co——— 4043
Old Dutch Market, Inc——— 4946
Pendleton, O. A——— 4987
Riehl, Jacob——— 4666
Still, G. M., Inc——— 4921
P. P. P. Prickly ash, poke root, potassium, and stillingia:
Lippman, F. V——— 4413
Pabst okay specific:
Pabst Chemical Co——— 4893
Pain destroyer, Walker's:
Walker Medicine Co——— 4353
Pain-killing oil. *See* Oil.
Painacura:
Ellis-Lillybeck Drug Co——— 4096
Palmer's, Dr. Fred, skin whitener:
Jacobs' Pharmacy Co——— 4995

ADDITIONAL COPIES
OF THIS PUBLICATION MAY BE PROCURED FROM
THE SUPERINTENDENT OF DOCUMENTS
GOVERNMENT PRINTING OFFICE
WASHINGTON, D. C.
AT
10 CENTS PER COPY
▽